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TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 981—IRISH POTATOES GROWN IN SOUTHEASTERN STATES

LIMITATION OF SHIPMENTS

§ 981.304 *Potatoes; limitation of shipments, Southeastern States; Regulation 3*—(a) *Findings.* Pursuant to Marketing Agreement No. 104 and Order No. 81 (13 F. R. 2709) regulating the handling of potatoes grown in the Southeastern States production area, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Southeastern Potato Committee established under said marketing agreement and order, and upon other available information, it is hereby found that such limitation of shipments of potatoes as hereinafter provided will tend to effectuate the declared policy of the act.

It is hereby found this it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this order until 30 days after publication thereof in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the limitation of shipments of such potatoes pursuant hereto must be made effective on the date hereinafter set forth to effectuate the declared policy of the act, (2) shipments of potatoes from the production area for the 1949 season are expected to begin on or about the effective date of the order hereinafter set forth, (3) adequate information with respect to the supply and demand for potatoes grown in the production area did not become available to the Southeastern Potato Committee until April 26, 1949 and such committee did not make its recommendations for regulation during the current season until its meeting held for such purpose on April 26, 1949, and, therefore, the recommendations of the committee could not be made available until after the aforesaid meeting of such committee, (4) information regarding the marketing policy for the 1949 season adopted by the committee at their meeting of March 29, 1949 was distributed to handlers and producers of potatoes immediately following such meeting, (5) information regarding recommendations of the committee has been distributed to handlers and producers of potatoes and the limitation in the order hereinafter set forth is identical with the committee's recommended limitation, (6) compliance with such limitation will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof, and (7) a reasonable time is permitted under the circumstances, for such preparation.

(b) *Order.* (1) During the period beginning 12:01 a. m., e. s. t., May 9, 1949 and ending 11:59 p. m., e. s. t., August 15, 1949, no handler shall ship any potatoes grown in the Southeastern States production area unless such potatoes meet the requirements of U. S. No. 1 or better grade, 1⅞ inches minimum diameter, as such grade and size are defined in the U. S. Standards for Potatoes; *Provided*, That pursuant to § 981.6 (c), the aforesaid limitation shall not be applicable to shipments of potatoes for export; shipments of potatoes to washers at points within the production area for the purpose of having such potatoes washed and graded prior to final shipment to market; shipments of potatoes purchased by the Commodity Credit Corporation under the price support program for distribution by the Federal government, except that (i) shipments of potatoes for export shall be subject to the provisions of § 981.102 *Export shipments* (13 F. R. 3455); and (ii) shipments of potatoes to washers at points within the production area, and shipments of potatoes purchased by the Commodity Credit Corporation shall be subject to such safeguards as may be issued pursuant to § 981.6 (c) of the aforesaid marketing agreement and order.

(2) All potatoes shipped during the period § 981.304 is in effect shall be subject to § 981.103 Inspection and certification (13 F. R. 3455), which provides that each first handler of potatoes is required, prior to making each shipment of potatoes, to have such potatoes inspected by an authorized representative of the Federal-State inspection service whenever regulations are in effect.

(3) The terms used in this section shall have the same meaning as when used in Order No. 81 (Sec. 5, 49 Stat. 753,

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FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

as amended; 7 U. S. C. and Sup. 608c; 13 F. R. 2709).

Done at Washington, D. C. this 3d day of May 1949.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 49-3609; Filed, May 4, 1949; 10:41 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Federal Reserve System

Subchapter A—Board of Governors of the Federal Reserve System

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

RESERVES MAINTAINED BY MEMBER BANKS WITH FEDERAL RESERVE BANKS

1. Effective as to member banks not in reserve and central reserve cities at the

opening of business on May 1, 1949, and as to member banks in reserve and central reserve cities at the opening of business on May 5, 1949, § 204.5 (Supplement to Regulation D) is amended to read as follows:

§ 204.5 *Supplement: Reserves required to be maintained by member banks with Federal Reserve Banks.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2 (a), the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances which each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district:

7 percent of its time deposits plus—

15 percent of its net demand deposits if not in a reserve or central reserve city;

21 percent of its net demand deposits if in a reserve city, except as to any bank located in an outlying district of a reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain 15 percent reserves against its net demand deposits;

24 percent of its net demand deposits if located in a central reserve city, except as to any bank located in an outlying district of a central reserve city or in territory added to such city by the extension of the city's corporate limits, which, by the affirmative vote of five members of the Board of Governors of the Federal Reserve System, is permitted to maintain 15 percent or 21 percent reserves against its net demand deposits.

2. This amendment is issued pursuant to the authority granted to the Board of Governors by section 19 of the Federal Reserve Act in the light of existing economic conditions and the present credit situation. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the prior publication described in section 4 (c) of such act, are impracticable, unnecessary and contrary to the public interest in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of the Board's rules of procedure (Part 262), and especially because such notice, procedure and prior publication would prevent the action from becoming effective as promptly as necessary, and would serve no useful purpose.

(Sec. 11 (i), 38 Stat. 262; 12 U. S. C. 248 (i). Interprets or applies secs. 11, 19, 38 Stat. 261, 270, as amended, Pub. Law 905, 80th Cong.; 12 U. S. C. 248 (c), (e), 461, 462, 462a–1, 462b, 464, 465)

Approved this 28th day of April 1949.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
Secretary.

[F. R. Doc. 49-3544; Filed, May 4, 1949; 8:46 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 16]

PART 600—DESIGNATION OF CIVIL AIRWAYS

RED CIVIL AIRWAY NO. 10

It appearing that (1) the increased volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate realignment of a civil airway between such points; (2) the realignment of the civil airway referred to in (1) above, has been coordinated with the civil operators involved, the Army, and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to the public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307, and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 600, as follows:

Designation and Redesignation of Civil Airways

1. Section 600.4 (c) (10) is amended to read:

(10) *Red civil airway No. 10 (Pueblo, Colo., to Charleston, S. C.).* From the Pueblo, Colo., radio range station via the intersection of the northwest course of the Dalhart, Tex., VHF radio range and the east course of the Trinidad, Colo., radio range; Dalhart, Tex., VHF radio range station; the intersection of the southeast course of the Dalhart, Tex., VHF radio range and the north course of the Amarillo, Tex., radio range; Amarillo, Tex., radio range station; Wichita Falls, Tex., radio range station to the intersection of the southeast course of the Wichita Falls, Tex., radio range and the north course of the Fort Worth, Tex., radio range. From the intersection of the south course of the Fort Worth, Tex., radio range and the west course of the Dallas, Tex., radio range via the Dallas, Tex., radio range station; Shreveport, La., radio range station; Monroe, La., radio range station; Jackson, Miss., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; the intersection of the east course of the Birmingham, Ala., radio range and the west course of the Campbellton, Ga., radio range; Campbellton, Ga., radio range station to the Atlanta, Ga., radio range station. From the intersection of the northeast course of the Atlanta, Ga., radio range and the northwest course of the Augusta, Ga., radio range via the Augusta, Ga., radio range station to the Charleston, S. C., radio range station.

(Secs. 205 (a), 308, 52 Stat. 984, 986; 49 U. S. C. 425 (a), 458. Interprets or applies secs. 301, 302, 307, 52 Stat. 985, 986, as amended, Pub. Law 872, 80th Cong.; 49 U. S. C. 451, 457)

This amendment shall become effective 0001 e. s. t., May 4, 1949.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 49-3539; Filed, May 4, 1949; 8:45 a. m.]

[Amdt. 21]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

CONTROL AREA EXTENSION

It appearing that (1) the increased volume of air traffic between certain points necessitates, in the interest of safety in air commerce, the immediate designation and establishment of a control area; (2) the designation and establishment of the control area referred to in (1) above has been coordinated with the civil operators involved, the Army and the Navy, through the Air Coordinating Committee, Airspace Subcommittee; and (3) compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable, unnecessary, and contrary to public interest, and therefore is not required;

Now therefore, acting under authority contained in sections 205, 301, 302, 307 and 308 of the Civil Aeronautics Act of 1938, as amended, and pursuant to section 3 of the Administrative Procedure Act, I hereby amend the Code of Federal Regulations, Title 14, Chapter II, Part 601, as follows:

Designation of Control Area

1. Section 601.4 (e) (162) is added to read:

(162) *Control area extension (Danville, Va.).* Within a 5 mile radius of the Danville, Va., Municipal Airport.

(Secs. 205 (a), 308, 52 Stat. 984, 986; 49 U. S. C. 425 (a), 458. Interprets or applies secs. 301, 302, 307, 52 Stat. 985, 986, as amended, Pub. Law 872, 80th Cong.; 49 U. S. C. 451, 452, 457)

This amendment shall become effective 0001 e. s. t., May 4, 1949.

[SEAL] D. W. RENTZEL,
Administrator of Civil Aeronautics.

[F. R. Doc. 49-3540; Filed, May 4, 1949; 8:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5627]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FEDERAL CHEMICAL MFG. CO.

§ 3.66 (h) *Misbranding or mislabeling; qualities or properties:* § 3.66 (j 15) *Misbranding or mislabeling; safety:* § 3.96 (a) *Using misleading name; goods; qualities or properties:* § 3.96 (a) *Using misleading names; goods; safety.* In connection with the offering for sale, sale

or distribution in commerce, of respondent's product designated "Polar Zone", or any other product of substantially similar composition or properties, (1) using the term "Anti-freeze", or any other term of similar import, to designate, describe or refer to said product; or otherwise representing, directly or by implication, that said product is an effective anti-freeze preparation; (2) representing, directly or by implication, that said product is safe or dependable for use in gasoline engines; (3) representing, directly or by implication, that said product will not cause harm or damage to gasoline engines or to the cooling systems, radiators, or hose connections of such engines; (4) representing, directly or by implication, that said product will protect gasoline engines or the cooling systems thereof against rust or corrosion; or, (5) representing, directly or by implication, that said product will not clog the passages in the cooling systems of gasoline engines; prohibited. (Sec. 6 (g), 38 Stat. 722; 15 U. S. C. 46 (g). Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Saul Fehlden trading as Federal Chemical Manufacturing Company, Docket 5627, March 21, 1949]

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 21st day of March A. D. 1949.

In the Matter of Saul Fehlden, an Individual Trading as Federal Chemical Manufacturing Company

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the respondent's substitute answer thereto, in which answer he admitted all of the material allegations of fact set forth in said complaint and waived all intervening procedure and further hearings as to said facts; and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commmission Act:

It is ordered, That the respondent, Saul Fehlden, individually and trading as Federal Chemical Manufacturing Company, or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the respondent's product designated "Polar Zone," or any other product of substantially similar composition or properties, do forthwith cease and desist from:

1. Using the term "Anti-Freeze", or any other term of similar import, to designate, describe or refer to said product; or otherwise representing, directly or by implication, that said product is an effective anti-freeze preparation.

2. Representing, directly or by implication, that said product is safe or dependable for use in gasoline engines.

3. Representing, directly or by implication, that said product will not cause harm or damage to gasoline engines or to the cooling systems, radiators, or hose connections of such engines.

4. Representing, directly or by implication, that said product will protect gasoline engines or the cooling systems thereof against rust or corrosion.

5. Representing, directly or by implication, that said product will not clog the passages in the cooling systems of gasoline engines.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 49-3560; Filed, May 4, 1949; 8:48 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 52210]

PART 1—CUSTOMS DISTRICTS AND PORTS

PART 3—DOCUMENTATION OF VESSELS

MISCELLANEOUS AMENDMENTS

Entry and clearance of vessels at places other than ports of entry; documentation of yachts; approval of home ports of documented vessels; issue of marine documents; change of name; customs regulations amended. Sections 1.2, 3.4, 3.17, 3.22, and 3.51, Customs Regulations of 1943, amended.

1. Section 1.2 (b), Customs Regulations of 1943 (19 CFR, Cum. Supp., 1.2 (b)), as amended by T. D. 52062, is further amended by inserting "or assistant collector" after "collector" in each of the first two places in which the latter word appears.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. President's message of March 3, 1913; T. D. 33249. Sec. 102, Reorg. Plan No. 3 of 1946; 3 CFR, 1946 Supp., Ch. IV)

2. Section 3.4, Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.4), as amended by T. D. 51912, is further amended to read as follows:

§ 3.4 *Yachts entitled to documents.* (a) Any vessel, other than one navigating the waters of the northern, northeastern, or northwestern frontiers otherwise than by sea, may be licensed as a yacht if under 20 but not under 5 net tons and used exclusively as a pleasure vessel, and if otherwise entitled to be documented.

(b) Any vessel may be enrolled and licensed as a yacht if used exclusively as a pleasure vessel and otherwise entitled to be documented, provided it is of 5 net tons or over in the case of a vessel navigating the waters of the northern, northeastern, or northwestern frontiers otherwise than by sea, or 20 net tons or over in any other case. (R. S. 161, secs. 2, 3, 23 Stat. 118, 119, R. S. 4214, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3, 103. Sec. 102, Reorg. Plan No. 3 of 1946; 3 CFR, 1946 Supp., Ch. IV)

3. Section 3.17, Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.17), as amended by T. D.'s 51610 and 52155, is further amended by deleting paragraphs (c), (d), (e), (f), and (g) and by inserting the following paragraphs in lieu thereof:

(c) If an owner desires that the home port be elsewhere than the port at or nearest the place in the same customs collection district where the vessel business of the owner is conducted, he shall submit with his designation of home port a detailed statement setting forth the reasons.

(d) Whenever an owner submits a designation of home port to a collector, the collector shall examine the instruments transferring title to the vessel and the abstract of title on customs Form 1332 or customs Forms 1332 and 1332-A, if any, and satisfy himself that the home port has in fact been designated by the owner of the vessel or some person authorized to act for him.

(e) The collector, assistant collector, or deputy collector in charge of marine work may approve the designation of home port if:

(1) The port designated is the port at or nearest the place in the same customs collection district where the vessel business of the owner is conducted;

(2) The designation is presented to the collector at the port where a temporary document is to be issued to the vessel or at the home port designated;

(3) The vessel has been previously documented and has not been since owned in whole or in part by a person not a citizen of the United States nor placed under foreign registry or flag;

(4) Recordable instruments covering each sale, gift, or conveyance (including a conveyance in trust), if any, since the date of acquisition of title by the last owner of record are presented with the designation, or the production of one or more of those instruments is waived as provided for in paragraph (f) of this section; and

(5) Orders of referees in bankruptcy appointing trustees in bankruptcy or court orders having the effect of transferring title covering each transfer by operation of law, if any, since the date of acquisition of title by the last owner of record are presented with the designation.

(f) The collector or assistant collector may waive the requirements for the production of a recordable instrument in the nature of a bill of sale covering any sale, gift, or conveyance (including a conveyance in trust) of such vessel since the date of acquisition of title by its last owner of record, if:

(1) The vessel has been previously documented and has not been since owned in whole or in part by a person not a citizen of the United States, nor placed under foreign registry or flag;

(2) The collector or assistant collector is satisfied that it is impracticable to furnish such instrument; and

(3) The owner produces an abstract of the title records of the United States Coast Guard covering any period in which the vessel has been numbered under the act of June 7, 1918, as amended (46 U. S. C. 288), or, if not so numbered, other evidence sufficient to satisfy the customs officer concerned that the owner has legal title to the vessel.

(g) If the designation of home port is approved as provided for in paragraph (e) of this section, the collector shall forward a duplicate copy of the designation to the Bureau. If the designation is so approved at a port other than the home port, the collector shall also forward the triplicate copy of the designation to the collector at the home port.

(h) In all other cases, the collector shall transmit to the Bureau the original and all copies of the designation required by paragraph (b) of this section, and, also, if it is impracticable to establish the complete chain of title by recordable bills of sale, the collector shall inform the Bureau of the facts and circumstances, and shall state whether or not he is of the opinion that the applicant has legal title to the vessel. In addition, there shall be transmitted to the Bureau with the designation any statement required by paragraph (c) of this section. When approved, the original designation will be returned to the collector and, if the designation is submitted by the collector at a port other than the home port, the Bureau will forward a copy to the collector at the latter port.

(i) No officer or employee designated to grant approvals of designations of home ports shall approve, nor shall any collector forward to the Bureau for approval, any such designation unless it appears that the vessel will be documented as a vessel of the United States substantially simultaneously with the approval of the designation by any such officer or employee or with the receipt of the Bureau's approval of the designation. When a designation has been approved and the vessel is not so documented, the approval granted shall be canceled. The collector in subsequently transmitting a new designation by the same owner shall indicate in his remarks the date of the previous approval and that it was canceled because of failure to document the vessel.

(R. S. 161, secs. 2, 3, 23 Stat. 118, 119, R. S. 4141, sec. 1, 43 Stat. 947; 5 U. S. C. 22, 46 U. S. C. 2, 3, 17, 18. Sec. 102, Reorg. Plan No. 3 of 1946; 3 CFR, 1946 Supp., Ch. IV)

4. Section 3.22 (c), Customs Regulations of 1943 (19 CFR, Cum. Supp., 3.22 (c)), is amended to read as follows:

(c) On proof that any vessel has been sold or transferred by process of law and that her former owner has retained the marine document, the collector at the vessel's home port may grant a new document and shall not refuse to issue such a document merely because the last document is retained by the former owner. In any such case, the new owner shall not be required to produce and surrender the former document, but the issuance of the new document does not remove the liability of the holder of the former document for failure to surrender it.

(R. S. 161, secs. 2, 3, 23 Stat. 118, 119, R. S. 4164, as amended, 4329, as amended; 5 U. S. C. 22, 46 U. S. C. 2, 3, 34, 271. Sec. 102, Reorg. Plan No. 3 of 1946; 3 CFR, 1946 Supp., Ch. IV)

5. Section 3.51, Customs Regulations of 1943 (3 CFR, Cum. Supp., 3.51), as amended by T. D. 52062, is further amended as follows:

a. Paragraphs (a), (c), and (d) are amended by adding the words "or assistant collector" after the word "collector" in each case where the latter word is used to indicate a collector of customs.

b. The first clause of the second sentence of paragraph (e) is amended to read as follows: "The notice shall be in the following form and shall be appropriately altered to show action by the assistant collector, if the latter officer approved the change of name:"

c. Paragraph (i) is amended by deleting "by the collector" and inserting "at the vessel's home port" in lieu thereof.

(R. S. 161, secs. 2, 3, 23 Stat. 118, 119, R. S. 4179, secs. 1–3, 41 Stat. 436, 437; 5 U. S. C. 22, 46 U. S. C. 2, 3, 50–53. Sec. 102, Reorg. Plan No. 3 of 1946; 3 CFR, 1946 Supp., Ch. IV)

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Aproved: April 28, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-3563; Filed, May 4, 1949; 8:49 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter A—Property Improvement Loans

PART 201—CLASS 1 AND CLASS 2 PROPERTY IMPROVEMENT LOANS

ELIGIBLE EXPENDITURES; DOWN PAYMENT

Section 201.7 of Part 201 of the regulations of the Federal Housing Commissioner governing property improvement loans, effective July 1, 1947, as amended, is hereby amended by striking out paragraph (f) thereof.

The amendment contained herein is effective as to all loans made on or after April 28, 1949, and shall have the same force and effect as if included in and made a part of each Contract of Insurance.

(Sec. 2, 48 Stat. 1246, as amended; 12 U. S. C. and Sup. 1703)

Issued at Washington, D. C., on April 28, 1949.

FRANKLIN D. RICHARDS,
Federal Housing Commissioner.

[F. R. Doc. 49-3537; Filed, May 4, 1949; 8:45 a. m.]

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 92]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§§ 825.1 to 825.12) is amended in the following respects:

1. The period at the end of paragraph (a) (11) of § 825.5 is changed to a colon, and the following is added immediately after said colon: "*Provided, however,* That no adjustment shall be granted on or after May 3, 1949, under this paragraph (a) (11), with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing)."

2. Paragraphs (a) (12), (a) (16), (a) (17) and (c) (8) of § 825.5, and the ninth, tenth, and thirteenth unnumbered paragraphs of § 825.5 (relating to the amount of adjustments under said paragraphs (a) (12), (a) (16), and (c) (8)) are revoked as of April 1, 1949: *Provided, however,* That this revocation shall not affect the validity of adjustment orders entered prior to May 3, 1949 under any of said paragraphs: *And provided further,* That if a petition for adjustment under any of said paragraphs (a) (12), (a) (16) or (a) (17) was filed prior to April 1, 1949 and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, an adjustment may be granted under any of said paragraphs as it read immediately prior to May 3, 1949, in accordance with the provisions of § 825.5 (a) (18) (v).

3. A new paragraph (a) (18) is added to § 825.5 to read as follows:

(18) *Housing accommodations not yielding fair net operating income*—(i) *Grounds.* The net operating income from the building is less than a fair net operating income: *Provided, however,* That no adjustment shall be granted under this paragraph (a) (18) with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing). A petition for adjustment under this paragraph (a) (18) must be filed on Form D–106, provided by the Expediter, in accordance with instructions contained therein.

The net operating income from a building shall be considered to be less than a fair net operating income if such net operating income is less than 25 percent of the annual income in the case of a building containing less than five dwelling units, or is less than 20 percent in the case of a building containing five or more dwelling units.

(ii) *Amount of adjustment.* The adjustment under this paragraph (a) (18) shall be in such amount as is neces-

[1] 13 F. R. 5706, 5788, 5877, 5937, 6246, 6283, 6411, 6556, 6881, 6910, 7299, 7671, 7801, 7862, 8217, 8327, 8386; 14 F. R. 17, 93, 143, 271, 337, 456, 627, 632, 695, 856, 918, 979, 1005, 1083, 1345, 1394, 1519, 1570, 1571, 1587, 1666, 1667, 1733, 1760, 1823, 1868, 1932, 2059, 2060.

sary to bring the net operating income from the building (expressed as a percentage of annual income) to the median net operating income of landlords generally. This median is 30 percent of annual income in the case of buildings containing less than five dwelling units, and 25 percent in the case of buildings containing five or more dwelling units.

(iii) *Successive petitions.* Where an adjustment is granted under this paragraph (a) (18) and a subsequent petition is filed thereunder, the test year used in any such subsequent petition shall begin after the end of the test year used in the last previous petition: *Provided, however,* That the Expediter may waive this limitation where the building has been affected by a significant increase in operating expenses which applied to all or an important class of housing accommodations in the community (such as a significant increase in property taxes or a significant increase in contract wages).

(iv) *Definitions.* For purposes of this paragraph (a) (18), the term:

"Building" means any structure or group of structures containing housing accommodations, having common facilities and operated as a single business enterprise.

"Net operating income" means the amount by which annual income exceeds annual operating expenses.

"Annual income" means the legal monthly, weekly or other periodic rent for all units in the building (both residential and commercial) on the date the petition is filed, computed on an annual basis, together with any other income earned from the operation of the building during the test year: *Provided, however,* That any adjustments in maximum rents ordered after the date the petition is filed shall be taken into account: *And provided further,* That where a unit has seasonal, alternate or other varying rents, appropriate adjustment shall be made by the Expediter. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free, the full rental value shall be considered the legal rent.

"Annual operating expenses" means all real estate taxes and other unavoidable operating costs necessary to the operation and maintenance of the building, plus depreciation but excluding mortgage interest and amortization, properly allocated to the test year or projected on an annual basis in accordance with principles determined by the Expediter.

"Depreciation" means the amount shown for the building in the latest required Federal income tax return, but in no event more than 21 percent of the annual income for a building containing less than 5 dwelling units or 16 percent of the annual income for a building containing 5 or more dwelling units.

"Test year" means the most recent full calendar or fiscal year, or any 12 consecutive months ending not earlier than 90 days before the date the petition is filed.

(v) *Pending petitions under former paragraph (a) (12), (a) (16), or (a) (17) of this section.* (a) If a petition for adjustment under paragraph (a) (12), (a) (16) or (a) (17) of this section, as it read immediately prior to May 3, 1949, was filed on or after April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, no adjustment may be granted under said paragraph, but if the petitioner files such additional data as may be required for purposes of an adjustment under this paragraph (a) (18) the case shall be processed under said paragraph (a) (18) and any adjustment granted thereunder shall be effective as of the date of filing of the petition for adjustment under said paragraph (a) (12), (a) (16), or (a) (17).

(b) If a petition for adjustment under paragraph (a) (12), (a) (16) or (a) (17) of this section, as it read immediately prior to May 3, 1949, was filed prior to April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, the case may be processed under said paragraph as it read immediately prior to May 3, 1949 and any adjustment granted thereunder shall be effective as of the date of filing of such petition for adjustment: *Provided, however,* That if the petition contains virtually all the facts required for purposes of an adjustment under this paragraph (a) (18) and such an adjustment would result in higher maximum rents than an adjustment under the paragraph under which the petition was originally filed, the case shall be processed under this paragraph (a) (18) and any adjustment granted thereunder shall be effective as of April 1, 1949.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204 (b), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (b))

This amendment shall become effective as of April 1, 1949.

Issued this 3d day of May 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-3612; Filed, May 3, 1949; 5:03 p. m.]

[Controlled Housing Rent Reg., New York City Defense-Rental Area,[1] Amdt. 15]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION FOR NEW YORK CITY DEFENSE-RENTAL AREA

The Controlled Housing Rent Regulation for New York City Defense-Rental Area (§§ 825.21 to 825.32) is amended in the following respects:

1. The period at the end of paragraph (a) (11) of § 825.25 is changed to a colon, and the following is added immediately after said colon: *"Provided, however,* That no adjustment shall be granted on or after May 3, 1949, under this paragraph (a) (11), with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing)."

2. Paragraphs (a) (12), (a) (16), (a) (17) and (c) (9) of § 825.25, and the tenth, eleventh and fourteenth unnumbered paragraphs of § 825.25 (relating to the amount of adjustments under said paragraphs (a) (12), (a) (16) and (c) (9)) are revoked as of April 1, 1949: *Provided, however,* That this revocation shall not affect the validity of adjustment orders entered prior to May 3, 1949 under any of said paragraphs; *And provided further,* That if a petition for adjustment under any of said paragraphs (a) (12), (a) (16) or (a) (17) was filed prior to April 1, 1949 and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, an adjustment may be granted under any of said paragraphs as it read immediately prior to May 3, 1949, in accordance with the provisions of § 825.25 (a) (18) (v).

3. A new paragraph (a) (18) is added to § 825.25 to read as follows:

(18) *Housing accommodations not yielding fair net operating income*—(i) *Grounds.* The net operating income from the building is less than a fair net operating income: *Provided, however,* That no adjustment shall be granted under this paragraph (a) (18) with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing). A petition for adjustment under this paragraph (a) (18) must be filed on Form D–106, provided by the Expediter, in accordance with instructions contained therein.

The net operating income from a building shall be considered to be less than a fair net operating income if such net operating income is less than 25 percent of the annual income in the case of a building containing less than five dwelling units, or is less than 20 percent in the case of a building containing five or more dwelling units.

(ii) *Amount of adjustment.* The adjustment under this paragraph (a) (18) shall be in such amount as is necessary to bring the net operating income from the building (expressed as a percentage of annual income) to the median net operating income of landlords generally. This median is 30 percent of annual income in the case of buildings containing less than five dwelling units, and 25 percent in the case of buildings containing five or more dwelling units.

(iii) *Successive petitions.* Where an adjustment is granted under this paragraph (a) (18) and a subsequent petition is filed thereunder, the test year used in any such subsequent petition shall begin after the end of the test year used in the last previous petition: *Provided, however,* That the Expediter may waive this limitation where the building has been affected by a significant increase in operating expenses which applied to all or an important class of housing accommodations in the community (such as a significant increase in property taxes or a significant increase in contract wages).

[1] 13 F. R. 5727, 8388; 14 F. R. 18, 93, 144, 1395, 1574, 1868, 2060.

(iv) *Definitions.* For purposes of this paragraph (a) (18), the term:

"Building" means any structure or group of structures containing housing accommodations, having common facilities and operated as a single business enterprise.

"Net operating income" means the amount by which annual income exceeds annual operating expenses.

"Annual income" means the legal monthly, weekly or other periodic rent for all units in the building (both residential and commercial) on the date the petition is filed computed on an annual basis, together with any other income earned from the operation of the building during the test year: *Provided, however,* That any adjustments in maximum rents ordered after the date the petition is filed shall be taken into account; *And provided further,* That where a unit has seasonal, alternate or other varying rents, appropriate adjustment shall be made by the Expediter. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free, the full rental value shall be considered the legal rent.

"Annual operating expenses" means all real estate taxes and other unavoidable operating costs necessary to the operation and maintenance of the building, plus depreciation but excluding mortgage interest and amortization, properly allocated to the test year or projected on an annual basis in accordance with principles determined by the Expediter.

"Depreciation" means the amount shown for the building in the latest required Federal income tax return, but in no event more than 21 percent of the annual income for a building containing less than 5 dwelling units or 16 percent of the annual income for a building containing 5 or more dwelling units.

"Test year" means the most recent full calendar or fiscal year, or any 12 consecutive months ending not earlier than 90 days before the date the petition is filed.

(v) *Pending petitions under former paragraph (a) (12), (a) (16) or (a) (17) of this section.* (*a*) If a petition for adjustment under paragraph (a) (12), (a) (16) or (a) (17) of this section, as it read immediately prior to May 3, 1949, was filed on or after April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, no adjustment may be granted under said paragraph, but if the petitioner files such additional data as may be required for purposes of an adjustment under this paragraph (a) (18) the case shall be processed under said paragraph (a) (18) and any adjustment granted thereunder shall be effective as of the date of filing of the petition for adjustment under said paragraph (a) (12), (a) (16) or (a) (17).

(*b*) If a petition for adjustment under paragraph (a) (12), (a) (16) or (a) (17) of this section, as it read immediately prior to May 3, 1949, was filed prior to April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, the case may be processed under said paragraph as it read immediately prior to May 3, 1949 and any adjustment granted thereunder shall be effective as of the date of filing of such petition for adjustment: *Provided, however,* That if the petition contains virtually all the facts required for purposes of an adjustment under this paragraph (a) (18) and such an adjustment would result in higher maximum rents than an adjustment under the paragraph under which the petition was originally filed, the case shall be processed under this paragraph (a) (18) and any adjustment granted thereunder shall be effective as of April 1, 1949.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204 (b), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (b))

This amendment shall become effective as of April 1, 1949.

Issued this 3d day of May 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-3616; Filed, May 3, 1949; 5:05 p. m.]

[Controlled Housing Rent Reg., Miami Defense-Rental Area,[1] Amdt. 18]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION FOR MIAMI DEFENSE-RENTAL AREA

The Controlled Housing Rent Regulation for Miami Defense-Rental Area (§§ 825.41 to 825.52) is amended in the following respects:

1. The period at the end of paragraph (a) (11) of § 825.45 is changed to a colon, and the following is added immediately after said colon: *"Provided, however,* That no adjustment shall be granted on or after May 3, 1949, under this paragraph (a) (11), with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing)."

2. Paragraphs (a) (12), (a) (15), (a) (16) and (c) (7) of § 825.45, and the eleventh, twelfth and sixteenth unnumbered paragraphs of § 825.45 (relating to the amount of adjustments under said paragraphs (a) (12), (a) (15) and (c) (7)) are revoked as of April 1, 1949: *Provided, however,* That this revocation shall not affect the validity of adjustment orders entered prior to May 3, 1949 under any of said paragraphs: *And provided further,* That if a petition for adjustment under any of said paragraphs (a) (12), (a) (15) or (a) (16) was filed prior to April 1, 1949 and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, an adjustment may be granted under any of said paragraphs as it read immediately prior to May 3, 1949, in accordance with the provisions of § 825.45 (a) (17) (v).

3. A new paragraph (a) (17) is added to § 825.45 to read as follows:

(17) *Housing accommodations not yielding fair net operating income*—(i) *Grounds.* The net operating income from the building is less than a fair net operating income: *Provided, however,* That no adjustment shall be granted under this paragraph (a) (17) with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing): A petition for adjustment under this paragraph (a) (17) must be filed on Form D-106, provided by the Expediter, in accordance with instructions contained therein.

The net operating income from a building shall be considered to be less than a fair net operating income if such net operating income is less than 25 percent of the annual income in the case of a building containing less than five dwelling units, or is less than 20 percent in the case of a building containing five or more dwelling units.

(ii) *Amount of adjustment.* The adjustment under this paragraph (a) (17) shall be in such amount as is necessary to bring the net operating income from the building (expressed as a percentage of annual income) to the median net operating income of landlords generally. This median is 30 percent of annual income in the case of buildings containing less than five dwelling units, and 25 percent in the case of buildings containing five or more dwelling units.

(iii) *Successive petitions.* Where an adjustment is granted under this paragraph (a) (17) and a subsequent petition is filed thereunder, the test year used in any such subsequent petition shall begin after the end of the test year used in the last previous petition: *Provided, however,* That the Expediter may waive this limitation where the building has been affected by a significant increase in operating expenses which applied to all or an important class of housing accommodations in the community (such as a significant increase in property taxes or a significant increase in contract wages).

(iv) *Definitions.* For purpose of this paragraph (a) (17), the term:

"Building" means any structure or group of structures containing housing accommodations, having common facilities and operated as a single business enterprise.

"Net operating income" means the amount by which annual income exceeds annual operating expenses.

"Annual income" means the legal monthly, weekly or other periodic rent for all units in the building (both residential and commercial) on the date the petition is filed, computed on an annual basis, together with any other income earned from the operation of the building during the test year: *Provided, however,* That any adjustments in maximum rents ordered after the date the petition is filed shall be taken into account; *And provided further,* That where a unit has seasonal, alternate or other varying rents, appropriate adjustment shall be made by the Expediter. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free, the full rental value shall be considered the legal rent.

"Annual operating expenses" means all real estate taxes and other unavoidable operating costs necessary to the operation and maintenance of the building, plus depreciation but excluding

[1] 13 F. R. 5735, 6246, 8389, 14 F. R. 20, 93, 145, 978, 1395, 1588, 1868.

mortgage interest and amortization, properly allocated to the test year or projected on an annual basis in accordance with principles determined by the Expediter.

"Depreciation" means the amount shown for the building in the latest required Federal income tax return, but in no event more than 21 percent of the annual income for a building containing less than 5 dwelling units or 16 percent of the annual income for a building containing 5 or more dwelling units.

"Test year" means the most recent full calendar or fiscal year, or any 12 consecutive months ending not earlier than 90 days before the date the petition is filed.

(v) *Pending petitions under former paragraph (a) (12), (a) (15) or (a) (16) of this section.* (*a*) If a petition for adjustment under paragraph (a) (12), (a) (15) or (a) (16) of this section, as it read immediately prior to May 3, 1949, was filed on or after April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, no adjustment may be granted under said paragraph, but if the petitioner files such additional data as may be required for purposes of an adjustment under this paragraph (a) (17) the case shall be processed under said paragraph (a) (17) and any adjustment granted thereunder shall be effective as of the date of filing of the petition for adjustment under said paragraph (a) (12), (a) (15) or (a) (16).

(*b*) If a petition for adjustment under paragraph (a) (12), (a) (15) or (a) (16) of this section, as it read immediately prior to May 3, 1949, was filed prior to April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, the case may be processed under said paragraph as it read immediately prior to May 3, 1949 and any adjustment granted thereunder shall be effective as of the date of filing of such petition for adjustment: *Provided, however,* That if the petition contains virtually all the facts required for purposes of an adjustment under this paragraph (a) (17) and such an adjustment would result in higher maximum rents than an adjustment under the paragraph under which the petition was originally filed, the case shall be processed under this paragraph (a) (17) and any adjustment granted thereunder shall be effective as of April 1, 1949.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204 (b), 61 Stat. 197, as amended, 62 Stat. 37, 94, by Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (b))

This amendment shall become effective as of April 1, 1949.

Issued this 3d day of May 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-3617; Filed, May 3, 1949; 5:05 p. m.]

[Controlled Housing Rent Reg., Atlantic County Rental Area,[1] Amdt. 16]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION FOR ATLANTIC COUNTY HOUSING REGULATION

The Controlled Housing Rent Regulation for Atlantic County Housing Regulation (§§ 825.61 to 825.72) is amended in the following respects:

1. The period at the end of paragraph (a) (11) of § 825.65 is changed to a colon, and the following is added immediately after said colon: *"Provided, however,* That no adjustment shall be granted on or after May 3, 1949, under this paragraph (a) (11), with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing)."

2. Paragraphs (a) (12), (a) (16), (a) (17) and (c) (8) of §825.65, and the ninth, tenth, and thirteenth unnumbered paragraphs of § 825.65 (relating to the amount of adjustments under said paragraphs (a) (12), (a) (16) and (c) (8)) are revoked as of April 1, 1949: *Provided, however,* That this revocation shall not affect the validity of adjustment orders entered prior to May 3, 1949 under any of said paragraphs: *And provided further,* That if a petition for adjustment under any of said paragraphs (a) (12), (a) (16) or (a) (17) was filed prior to April 1, 1949 and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, an adjustment may be granted under any of said paragraphs as it read immediately prior to May 3, 1949, in accordance with the provisions of § 825.65 (a) (18) (v).

3. A new paragraph (a) (18) is added to § 825.65 to read as follows:

(18) *Housing accommodations not yielding fair net operating income*—(i) *Grounds.* The net operating income from the building is less than a fair net operating income: *Provided, however,* That no adjustment shall be granted under this paragraph (a) (18) with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing). A petition for adjustment under this paragraph (a) (18) must be filed on Form D–106, provided by the Expediter, in accordance with instructions contained therein.

The net operating income from a building shall be considered to be less than a fair net operating income if such net operating income is less than 25 percent of the annual income in the case of a building containing less than five dwelling units, or is less than 20 percent in the case of a building containing five or more dwelling units.

(ii) *Amount of adjustment.* The adjustment under this paragraph (a) (18) shall be in such amount as is necessary to bring the net operating income from the building (expressed as a percentage of annual income) to the median net operating income of landlords generally. This median is 30 percent of annual income in the case of buildings containing less than five dwelling units, and 25 percent in the case of buildings containing five or more dwelling units.

(iii) *Successive petitions.* Where an adjustment is granted under this paragraph (a) (18) and a subsequent petition is filed thereunder, the test year used in any such subsequent petition shall begin after the end of the test year used in the last previous petition: *Provided, however,* That the Expediter may waive this limitation where the building has been affected by a significant increase in operating expenses which applied to all or an important class of housing accommodations in the community, such as a significant increase in property taxes or a significant increase in contract wages).

(iv) *Definitions.* For purposes of this paragraph (a) (18), the term:

"Building" means any structure or group of structures containing housing accommodations, having common facilities and operated as a single business enterprise.

"Net operating income" means the amount by which annual income exceeds annual operating expenses.

"Annual income" means the legal monthly, weekly, or other periodic rent for all units in the building (both residential and commercial) on the date the petition is filed, computed on an annual basis, together with any other income earned from the operation of the building during the test year: *Provided, however,* That any adjustments in maximum rents ordered after the date the petition is filed shall be taken into account: *And provided further,* That where a unit has seasonal, alternate or other varying rents, appropriate adjustment shall be made by the Expediter. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free, the full rental value shall be considered the legal rent.

"Annual operating expenses" means all real estate taxes and other unavoidable operating costs necessary to the operation and maintenance of the building, plus depreciation but excluding mortgage interest and amortization, properly allocated to the test year or projected on an annual basis, in accordance with principles determined by the Expediter.

"Depreciation" means the amount shown for the building in the latest required Federal income tax return, but in no event more than 21 per cent of the annual income for a building containing less than 5 dwelling units or 16 per cent of the annual income for a building containing 5 or more dwelling units.

"Test year" means the most recent full calendar or fiscal year, or any 12 consecutive months ending not earlier than 90 days before the date the petition is filed.

(v) *Pending petitions under former paragraph (a) (12), (a) (16) or (a) (17) of this section.* (*a*) If a petition for adjustment under paragraph (a) (12), (a) (16) or (a) (17) of this section, as it read immediately prior to May 3, 1949, was filed on or after April 1, 1949, and no order on such petition had been entered

[1] 13 F. R. 5743, 8390; 14 F. R. 19, 94, 145, 1395, 1577, 1868, 2061.

by the Area Rent Director prior to May 3, 1949, no adjustment may be granted under said paragraph, but if the petitioner files such additional data as may be required for purposes of an adjustment under this paragraph (a) (18) the case shall be processed under said paragraph (a) (18) and any adjustment granted thereunder shall be effective as of the date of filing of the petition for adjustment under said paragraph (a) (12), (a) (16), or (a) (17).

(*b*) If a petition for adjustment under paragraph (a) (12), (a) (16) or (a) (17) of this section, as it read immediately prior to May 3, 1949, was filed prior to April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, the case may be processed under said paragraph as it read immediately prior to May 3, 1949 and any adjustment granted thereunder shall be effective as of the date of filing of such petition for adjustment: *Provided, however,* That if the petition contains virtually all the facts required for purposes of an adjustment under this paragraph (a) (18) and such an adjustment would result in higher maximum rents than an adjustment under the paragraph under which the petition was originally filed, the case shall be processed under this paragraph (a) (18) and any adjustment granted thereunder shall be effective as of April 1, 1949.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204 (b), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (b))

This amendment shall become effective as of April 1, 1949.

Issued this 3d day of May 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-3618; Filed, May 3, 1949; 5:05 p. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg.,[1] Amdt. 87]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§§ 825.81 to 825.92) is amended in the following respects:

1. The period at the end of paragraph (a) (8) of § 825.85 is changed to a colon, and the following is added immediately after said colon: "*Provided, however,* That no adjustment shall be granted on or after May 3, 1949, under this paragraph (a) (8), with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing)."

2. Paragraphs (a) (9) and (c) (5) of § 825.85, and the ninth and tenth unnumbered paragraphs of § 825.85 (relating to the amount of adjustments under said paragraphs (a) (9) and (c) (5)) are revoked as of April 1, 1949: *Provided, however,* That this revocation shall not affect the validity of adjustment orders entered prior to May 3, 1949 under any of said paragraphs: *And provided further,* That if a petition for adjustment under said paragraph (a) (9) was filed prior to April 1, 1949 and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, an adjustment may be granted under said paragraph as it read immediately prior to May 3, 1949, in accordance with the provisions of § 825.85 (a) (11) (v).

3. A new paragraph (a) (11) is added to § 825.85 to read as follows:

(11) *Housing accommodations not yielding fair net operating income*—(i) *Grounds.* The net operating income from the building is less than a fair net operating income: *Provided, however,* That no adjustment shall be granted under this paragraph (a) (11) with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing). A petition for adjustment under this paragraph (a) (11) must be filed on Form D–106, provided by the Expediter, in accordance with instructions contained therein.

The net operating income from a building shall be considered to be less than a fair net operating income if such net operating income is less than 25 percent of the annual income in the case of a building containing less than five dwelling units, or is less than 20 per cent in the case of a building containing five or more dwelling units.

(ii) *Amount of adjustment.* The adjustment under this paragraph (a) (11) shall be in such amount as is necessary to bring the net operating income from the building (expressed as a percentage of annual income) to the median net operating income of landlords generally. This median is 30 percent of annual income in the case of buildings containing less than five dwelling units, and 25 percent in the case of buildings containing five or more dwelling units.

(iii) *Successive petitions.* Where an adjustment is granted under this paragraph (a) (11) and a subsequent petition is filed thereunder, the test year used in any such subsequent petition shall begin after the end of the test year used in the last previous petition: *Provided, however,* That the Expediter may waive this limitation where the building has been affected by a significant increase in operating expenses which applied to all or an important class of housing accommodations in the community (such as a significant increase in property taxes or a significant increase in contract wages).

(iv) *Definitions.* For purposes of this paragraph (a) (11), the term:

"Building" means any structure or group of structures containing housing accommodations, having common facilities and operated as a single business enterprise.

"Net operating income" means the amount by which annual income exceeds annual operating expenses.

"Annual income" means the legal monthly, weekly or other periodic rent for all units in the building (both residential and commercial) on the date the petition is filed, computed on an annual basis, together with any other income earned from the operation of the building during the test year: *Provided, however,* That any adjustments in maximum rents ordered after the date the petition is filed shall be taken into account: *And provided further,* That where a unit has seasonal, alternate or other varying rents, appropriate adjustment shall be made by the Expediter. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free, the full rental value shall be considered the legal rent.

"Annual operating expenses" means all real estate taxes and other unavoidable operating costs necessary to the operation and maintenance of the building, plus depreciation but excluding mortgage interest and amortization, properly allocated to the test year or projected on an annual basis in accordance with principles determined by the Expediter.

"Depreciation" means the amount shown for the building in the latest required Federal income tax return, but in no event more than 21 percent of the annual income for a building containing less than 5 dwelling units or 16 percent of the annual income for a building containing 5 or more dwelling units.

"Test year" means the most recent full calendar or fiscal year, or any 12 consecutive months ending not earlier than 90 days before the date the petition is filed.

(v) *Pending petitions under former paragraph (a) (9) of this section.* (*a*) If a petition for adjustment under paragraph (a) (9) of this section, as it read immediately prior to May 3, 1949, was filed on or after April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, no adjustment may be granted under said paragraph, but if the petitioner files such additional data as may be required for purposes of an adjustment under this paragraph (a) (11) the case shall be processed under said paragraph (a) (11) and any adjustment granted thereunder shall be effective as of the date of filing of the petition for adjustment under said paragraph (a) (9).

(*b*) If a petition for adjustment under paragraph (a) (9) of this section, as it read immediately prior to May 3, 1949, was filed prior to April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, the case may be processed under said paragraph as it read immediately prior to May 3, 1949 and any adjustment granted thereunder shall be effective as of the date of filing of such petition for adjustment: *Provided, however,* That if the petition contains virtually all the facts required for purposes of an adjust-

[1] 13 F. R. 5750, 5789, 5875, 5937, 5938, 6247, 6283, 6411, 6556, 6882, 6911, 7299, 7672, 7801, 7862, 8218, 8328, 8388; 14 F. R. 18, 272, 337, 457, 627, 682, 695, 857, 918, 978, 1083, 1345, 1520, 1570, 1582, 1587.

ment under this paragraph (a) (11) and such an adjustment would result in higher maximum rents than an adjustment under the paragraph under which the petition was originally filed, the case shall be processed under this paragraph (a) (11) and any adjustment granted thereunder shall be effective as of April 1, 1949.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204 (b), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (b))

This amendment shall become effective as of April 1, 1949.

Issued this 3d day of May 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-3613; Filed, May 3, 1949; 5:04 a. m.]

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., New York City Defense-Rental Area,[1] Amdt. 12]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN THE NEW YORK CITY DEFENSE-RENTAL AREA

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in the New York City Defense-Rental Area (§§ 825.101 to 825.112) is amended in the following respects:

1. The period at the end of paragraph (a) (8) of § 825.105 is changed to a colon, and the following is added immediately after said colon: *"Provided, however,* That no adjustment shall be granted on or after May 3, 1949, under this paragraph (a) (8), with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing)."

2. Paragraphs (a) (9) and (c) (6) of § 825.105, and the tenth and eleventh unnumbered paragraphs of § 825.105 (relating to the amount of adjustments under said paragraphs (a) (9) and (c) (6)) are revoked as of April 1, 1949: *Provided, however,* That this revocation shall not affect the validity of adjustment orders entered prior to May 3, 1949 under any of said paragraphs: *And provided further,* That if a petition for adjustment under said paragraph (a) (9) was filed prior to April 1, 1949 and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, an adjustment may be granted under said paragraph as it read immediately prior to May 3, 1949, in accordance with the provisions of § 825.105 (a) (11) (v).

3. A new paragraph (a) (11) is added to § 825.105 to read as follows:

(11) *Housing accommodations not yielding fair net operating income*—(i) *Grounds.* The net operating income from the building is less than a fair net operating income: *Provided, however,* That no adjustment shall be granted under this paragraph (a) (11) with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing). A petition for adjustment under this paragraph (a) (11) must be filed on Form D-106, provided by the Expediter, in accordance with instructions contained therein.

The net operating income from a building shall be considered to be less than a fair net operating income if such net operating income is less than 25 percent of the annual income in the case of a building containing less than five dwelling units, or is less than 20 percent in the case of a building containing five or more dwelling units.

(ii) *Amount of adjustment.* The adjustment under this paragraph (a) (11) shall be in such amount as is necessary to bring the net operating income from the building (expressed as a percentage of annual income) to the median net operating income of landlords generally. This median is 30 percent of annual income in the case of buildings containing less than five dwelling units, and 25 percent in the case of buildings containing five or more dwelling units.

(iii) *Successive petitions.* Where an adjustment is granted under this paragraph (a) (11) and a subsequent petition is filed thereunder, the test year used in any such subsequent petition shall begin after the end of the test year used in the last previous petition: *Provided, however,* That the Expediter may waive this limitation where the building has been affected by a significant increase in operating expenses which applied to all or an important class of housing accommodations in the community (such as a significant increase in property taxes or a significant increase in contract wages).

(iv) *Definitions.* For purposes of this paragraph (a) (11), the term:

"Building" means any structure or group of structures containing housing accommodations, having common facilities and operated as a single business enterprise.

"Net operating income" means the amount by which annual income exceeds annual operating expenses.

"Annual income" means the legal monthly, weekly or other periodic rent for all units in the building (both residential and commercial) on the date the petition is filed, computed on an annual basis, together with any other income earned from the operation of the building during the test year: *Provided, however,* That any adjustments in maximum rents ordered after the date the petition is filed shall be taken into account: *And provided further,* That where a unit has seasonal, alternate or other varying rents, appropriate adjustment shall be made by the Expediter. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free, the full rental value shall be considered the legal rent.

"Annual operating expenses" means all real estate taxes and other unavoidable operating costs necessary to the operation and maintenance of the building, plus depreciation but excluding mortgage interest and amortization, properly allocated to the test year or projected on an annual basis in accordance with principles determined by the Expediter.

"Depreciation" means the amount shown for the building in the latest required Federal income tax return, but in no event more than 21 percent of the annual income for a building containing less than 5 dwelling units or 16 percent of the annual income for a building containing 5 or more dwelling units.

"Test year" means the most recent full calendar or fiscal year, or any 12 consecutive months ending not earlier than 90 days before the date the petition is filed.

(v) *Pending petitions under former paragraph (a) (9) of this section.* (a) If a petition for adjustment under paragraph (a) (9) of this section, as it read immediately prior to May 3, 1949, was filed on or after April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, no adjustment may be granted under said paragraph, but if the petitioner files such additional data as may be required for purposes of an adjustment under this paragraph (a) (11) the case shall be processed under said paragraph (a) (11) and any adjustment granted thereunder shall be effective as of the date of filing of the petition for adjustment under said paragraph (a) (9).

(b) If a petition for adjustment under paragraph (a) (9) of this section as it read immediately prior to May 3, 1949, was filed prior to April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, the case may be processed under said paragraph as it read immediately prior to May 3, 1949 and any adjustment granted thereunder shall be effective as of the date of filing of such petition for adjustment: *Provided, however,* That if the petition contains virtually all the facts required for purposes of an adjustment under this paragraph (a) (11) and such an adjustment would result in higher maximum rents than an adjustment under the paragraph under which the petition was originally filed, the case shall be processed under this paragraph (a) (11) and any adjustment granted thereunder shall be effective as of April 1, 1949.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204 (b), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (b))

This amendment shall become effective as of April 1, 1949.

Issued this 3d day of May 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49-3614; Filed, May 3, 1949; 5:04 p. m.]

[1] 13 F. R. 5770, 8391; 14 F. R. 19, 1580, 1869.

[Controlled Rooms in Rooming Houses and Other Establishments Rent Reg., Miami Defense-Rental Area,[1] Amdt. 14]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947 AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN MIAMI DEFENSE-RENTAL AREA

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area (§§ 825.121 to 825.132) is amended in the following respects:

1. The period at the end of paragraph (a) (8) of § 825.125 is changed to a colon, and the following is added immediately after said colon: *"Provided, however,* That no adjustment shall be granted on or after May 3, 1949, under this paragraph (a) (8), with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing).

2. Paragraphs (a) (9) and (c) (5) of § 825.125, and the ninth and tenth unnumbered paragraphs of § 825.125 (relating to the amount of adjustments under said paragraphs (a) (9) and (c) (5)) are revoked as of April 1, 1949: *Provided, however,* That this revocation shall not affect the validity of adjustment orders entered prior to May 3, 1949 under any of said paragraphs: *And provided further,* That if a petition for adjustment under said paragraph (a) (9) was filed prior to April 1, 1949 and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, an adjustment may be granted under said paragraph as it read immediately prior to May 3, 1949, in accordance with the provisions of § 825.125 (a) (10) (v).

3. A new paragraph (a) (10) is added to § 825.125 to read as follows:

(10) *Housing accommodations not yielding fair net operating income*—(i) *Grounds.* The net operating income from the building is less than a fair net operating income: *Provided, however,* That no adjustment shall be granted under this paragraph (a) (10) with respect to housing accommodations regularly rented to employees of the landlord (so-called company housing). A petition for adjustment under this paragraph (a) (10) must be filed on Form D–106, provided by the Expediter, in accordance with instructions contained therein.

The net operating income from a building shall be considered to be less than a fair net operating income if such net operating income is less than 25 percent of the annual income in the case of a building containing less than five dwelling units, or is less than 20 percent in the case of a building containing five or more dwelling units.

(ii) *Amount of adjustment.* The adjustment under this paragraph (a) (10) shall be in such amount as is necessary to bring the net operating income from the building (expressed as a percentage of annual income) to the median net operating income of landlords generally. This median is 30 percent of annual income in the case of buildings containing less than five dwelling units, and 25 percent in the case of buildings containing five or more dwelling units.

(iii) *Successive petitions.* Where an adjustment is granted under this paragraph (a) (10) and a subsequent petition is filed thereunder, the test year used in any such subsequent petition shall begin after the end of the test year used in the last previous petition: *Provided, however,* That the Expediter may waive this limitation where the building has been affected by a significant increase in operating expenses which applied to all or an important class of housing accommodations in the community (such as a significant increase in property taxes or a significant increase in contract wages).

(iv) *Definitions.* For purposes of this paragraph (a) (10), the term:

"Building" means any structure or group of structures containing housing accommodations, having common facilities and operated as a single business enterprise.

"Net operating income" means the amount by which annual income exceeds annual operating expenses.

"Annual income" means the legal monthly, weekly or other periodic rent for all units in the building (both residential and commercial) on the date the petition is filed, computed on an annual basis, together with any other income earned from the operation of the building during the test year: *Provided, however,* That any adjustments in maximum rents ordered after the date the petition is filed shall be taken into account: *And provided further,* That where a unit has seasonal, alternate or other varying rents, appropriate adjustment shall be made by the Expediter. In any case where an uncontrolled rental unit is vacant, or is occupied in whole or in part rent free, the full rental value shall be considered the legal rent.

"Annual operating expenses" means all real estate taxes and other unavoidable operating costs necessary to the operation and maintenance of the building, plus depreciation but excluding mortgage interest and amortization, properly allocated to the test year or projected on an annual basis in accordance with principles determined by the Expediter.

"Depreciation" means the amount shown for the building in the latest required Federal income tax return, but in no event more than 21 percent of the annual income for a building containing less than 5 dwelling units or 16 percent of the annual income for a building containing 5 or more dwelling units.

"Test year" means the most recent full calendar or fiscal year, or any 12 consecutive months ending not earlier than 90 days before the date the petition is filed.

(v) *Pending petitions under former paragraph (a) (9) of this section.* (a) If a petition for adjustment under paragraph (a) (9) of this section, as it read immediately prior to May 3, 1949, was filed on or after April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, no adjustment may be granted under said paragraph, but if the petitioner files such additional data as may be required for purposes of an adjustment under this paragraph (a) (10) the case shall be processed under said paragraph (a) (10) and any adjustment granted thereunder shall be effective as of the date of filing of the petition for adjustment under said paragraph (a) (9).

(b) If a petition for adjustment under paragraph (a) (9) of this section, as it read immediately prior to May 3, 1949, was filed prior to April 1, 1949, and no order on such petition had been entered by the Area Rent Director prior to May 3, 1949, the case may be processed under said paragraph as it read immediately prior to May 3, 1949 and any adjustment granted thereunder shall be effective as of the date of filing of such petition for adjustment: *Provided, however,* That if the petition contains virtually all the facts required for purposes of an adjustment under this paragraph (a) (10) and such an adjustment would result in higher maximum rents than an adjustment under the paragraph under which the petition was originally filed, the case shall be processed under this paragraph (a) (10) and any adjustment granted thereunder shall be effective as of April 1, 1949.

(Sec. 204 (d), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (d). Applies sec. 204 (b), 61 Stat. 197, as amended, 62 Stat. 37, 94, Pub. Law 31, 81st Cong.; 50 U. S. C. App. 1894 (b))

This amendment shall become effective as of April 1, 1949.

Issued this 3d day of May 1949.

TIGHE E. WOODS,
Housing Expediter.

[F. R. Doc. 49–3615; Filed, May 3, 1949; 5:04 a.m.]

[1] 13 F. R. 5777, 8392; 14 F. R. 20, 978, 1584.

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs

Subchapter L—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

APRIL 28, 1949.

On March 23, 1949, there was published in the daily issue of the FEDERAL REGISTER (14 F. R. 1301) a notice of intention to modify §§ 130.24, 130.26 and 130.28 prescribing annual operation and maintenance assessments applicable to lands within the jurisdiction of three irrigation districts on the Flathead Indian irrigation project, Montana. Interested persons were thereby given opportunity to participate in preparing the proposed amendments by submitting their views and data in writing within 30 days from the date of the publication of the notice. No written comments, data or arguments having been received within the prescribed period, the said sections have been amended and are published as follows, effective for the calendar year 1950 and thereafter until further notice:

§ 130.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented by later contracts dated February 27, 1929, March 28, 1934, and August 26, 1936, notice is hereby given of intention to fix an assessment of $138,200 for the season of 1950 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 67,595.8 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

§ 130.26 *Charges.* Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented by later contracts dated June 2, 1934, and August 26, 1936, notice is hereby given of intention to fix an assessment of $24,300 for the season of 1950 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of, and under the jurisdiction of, the Mission Irrigation District. This assessment involves an area of approximately 12,357.0 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

§ 130.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented by a later contract dated August 26, 1936, notice is hereby given of intention to fix an assessment of $13,000 for the season of 1950 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of, and under the jurisdiction of, the Jocko Valley Irrigation District. This assessment involves an area of approximately 5,579.4 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385, 387)

PAUL L. FICKINGER,
Regional Director, Region No. 2.

[F. R. Doc. 49-3538; Filed, May 4, 1949; 8:45 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

FORT HALL INDIAN IRRIGATION PROJECT

On March 24, 1949, notice of intention to amend § 130.32 was published in the daily issue of the FEDERAL REGISTER (14 F. R. 1327). Interested persons were thereby given opportunity to participate in the preparing of the amendments by submitting data or arguments within 30 days from the date of publication of the notice. No communications, written or oral, having been received within the prescribed period, the said section is hereby amended and promulgated as follows:

§ 130.32 *Basic and other water charges.* In compliance with the provisions of the act of March 1, 1907 (34 Stat. 1024) the annual basic water charges for the operation and maintenance of the lands in non-Indian ownership to which water can be delivered for irrigation under the Fort Hall Indian Irrigation Project, Idaho, are hereby fixed at $3.50 per acre for the calendar year 1949 and subsequent years until further notice.

In addition to the foregoing charge there shall be collected annually a minimum charge of $3.00 for the first acre or fraction thereof on each tract of land for which operation and maintenance bills are prepared. No bill shall be rendered for less than $6.50.

Indian lands leased, as discussed in the letter from the Commissioner of Indian Affairs of December 1, 1938, and approved by the Assistant Secretary of the Interior on December 17, 1938, are subject to the payment of the foregoing charges as therein provided. (Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385, 387)

L. P. TOWLE,
Acting Regional Director.

APRIL 26, 1949.

[F. R. Doc. 49-3543; Filed, May 4, 1949; 8:46 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

WAPATO INDIAN IRRIGATION PROJECT, WASHINGTON

On March 24, 1949, notice of intention to amend § 130.86 was published in the daily issue of the FEDERAL REGISTER (14 F. R. 1327). Interested persons were thereby given opportunity to participate in the preparing of the amendments by submitting data or arguments within 30 days from the date of publication of the notice. No communications, written or oral, having been received within the prescribed period, the said section is hereby amended and promulgated as follows:

§ 130.86 *Charges.* Pursuant to the provisions of the acts of August 1, 1914 and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U. S. C. 385, 387), the operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, for the calendar year 1950 and subsequent years until further notice, with the exception of (d) as listed below, are hereby fixed as follows:

(a) *Minimum charges.* For all tracts in non-contiguous single ownership: $5.00.

(b) *Flat rate.* Upon all farm units or tracts, for each assessable acre: $3.25.

(c) *Storage operation and maintenance.* For all lands with a storage water right, known as "B" lands, in addition to other charges per acre: $0.30.

(d) *Assessment.* An assessment of $1.00 per acre for 1950 only for the purpose of replacing the structure known as the Island Syphon.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385, 387)

L. P. TOWLE,
Acting Regional Director.

APRIL 26, 1949.

[F. R. Doc. 49-3542; Filed, May 4, 1949; 8:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Amdt. 6]

PART 670—RECORDS ADMINISTRATION IN FEDERAL RECORD DEPOTS

SUPPLYING INFORMATION FROM RECORDS

The Selective Service Regulations are hereby amended as follows:

1. Amend subparagraph (3) and add a new subparagraph (19) to paragraph (b) of § 670.31 to read as follows:

§ 670.31 *Supplying information to Federal agencies and officials.* * * *

(b) * * *

(3) *Department of the Army.* The Department of the Army may obtain such information upon the request of (i) the Administrative Assistant to the Secretary of the Army, (ii) the Executive Officer or the Secretary-Recorder of the Army Discharge Review Board, Washington, D. C., (iii) the Assistant Secretary-Recorder of the Army Discharge Review Board, St. Louis, Missouri, (iv) the Chairman of the Army Board on Correction of Military Records, (v) the Chief, Security Group, Intelligence Division, General Staff, United States Army, (vi) Personnel of the Counter Intelligence Corps, United States Army, (vii) the Adjutant General, (viii) the Commanding Officer, Records Administration Center, St. Louis, Missouri, (ix) the Chief, Repatriation Records Branch, Office of the Quartermaster General, (x) the Chief, Personnel Branch, National Guard Bureau, (xi) the Adjutant General, Headquarters, First Amy, (xii) the Executive Officer, Military Personnel Procurement Division, Headquarters, Second Army, (xiii) the Records Administrator, Headquarters, Third Army, (xiv) the Adjutant General, Headquarters, Fourth Army, (xv) the Selective Service Liaison Officer, Headquarters, Fifth Army, (xvi) the Adjutant General, Headquarters, Sixth Army, (xvii) the Adjutant General, Headquarters, Military District of Washington, (xviii) the Executive Officer, Army Finance Center, (xix) an agent of the Criminal Investigation Division, Office of the Provost Marshal General, (xx) a Provost Marshal or an Agent of the Criminal Investigation Division of the Military District of Washington or of the First, Second, Thrd, Fourth, Fifth or Sixth Army, or (xxi) the Adjutant General, U. S. Army Pacific.

* * * * *

(19) *Department of the Air Force.* The Department of the Air Force may obtain such information upon the request of the Chief of the Personnel Records Service, Office of the Air Adjutant General.

2. Subparagraphs (12), (16), (31), (33), and (48) of paragraph (b) of § 670.32 are amended to read as follows:

§ 670.32 *Supplying information to officials and agencies of States, the District of Columbia, Territories and possessions of the United States.* * * *

(b) * * *

(12) *Territory of Hawaii.* The officials of the Territory of Hawaii authorized to obtain such information are (i) the Director of Personnel, Hawaii National Guard, (ii) the Director, Territorial Council on Veterans Affairs, (iii) the Chief, Bureau of Health Statistics, and (iv) the Assistant in Charge, Bureau of Unemployment Compensation.

* * * * *

(16) *State of Iowa.* The officials of the State of Iowa authorized to obtain such information are (i) the Adjutant General, (ii) the Chairman, Employment Security Commission, and (iii) the Chairman, World War II Bonus Board.

* * * * *

(31) *State of New Jersey.* The officials of the State of New Jersey authorized to obtain such information are (i) the Chief of Staff and the Deputy Chief of Staff, State Department of Defense, (ii) the Executive Director, the Director of the Unemployment Compensation Division, and the Director of the Employment Service Division, Unemployment Compensation Commission, (iii) the Superintendent, Office of State Police, (iv) the Deputy Commissioner in Charge of Correction and Parole, the Assistant Director of the Parole Division, the Principal Keeper of the New Jersey State Prison, and the Superintendents of Prison Farms, Reformatories, and State Homes, State Department of Institutions and Agencies, (v) the Director, Division of Veterans' Services, Department of Economic Development, (vi) the Commissioner, Department of Labor, (vii) the Commissioner, Motor Vehicle Department, (viii) the President, and the Director of the Division of Administrative Services, State Civil Service Commission, (ix) the Chairman-Director, Rehabilitation Commission for Physically Handicapped Persons, and (x) the Executive Director and the Supervisors of District Offices, Board of Child Welfare.

* * * * *

(33) *State of New York.* The officials of the State of New York and its subdivisions authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Adjutant General, (iii) the Executive Officer of the Adjutant General's Office, (iv) the Executive Director and the Chief Investigator, Division of Placement and Unemployment Insurance, (v) the Commissioner and the Parole District Supervisors, Division of Parole, (vi) the State Director, the Deputy State Director, the Director of Research Training, the Counsel to the Division, the Special Counsel, New York City, the Area Veteran Director, Albany, the Area Veteran Director, Buffalo, and the Area Veteran Director, New York City, Division of Veterans' Affairs, (vii) the Director, Bureau of Research, Division of Housing, (viii) the Chief Inspector, Division of State Police, (ix) the Director and the Assistant Director, Veterans' Bonus Bureau, Department of Taxation and Finance, (x) the Deputy Commissioner for Welfare and Medical Care, Department of Social Welfare, (xi) the Assistant Commissioner, Department of Mental Hygiene, (xii) the First Deputy Industrial Commissioner and the Associate Personnel Administrator, Department of Labor, (xiii) the Director of the Division of Public Assistance to Veterans, the Director of Field Operations and Service, the Director of the Division of Foster Care, and the Director of the Division of Day Care, New York City Department of Welfare, (xiv) the Commissioner, New York City Department of Hospitals, (xv) the District Attorney, New York County, (xvi) the Corporation Counsel, the Acting Corporation Counsel, and the Chief Clerk, New York City Department of Law, (xvii) the Special Assistant Corporation Counsel, In Charge, and the Chief Examiner of the City of New York Law Department, Torts-Trial Division, New York City Transit System, (xviii) the Chief, Bureau of Investigation, New York City Civil Service Commission, (xix) the Chief Inspector, the Chief of Detectives and the Commanding Officer of the Police Academy, New York City Police Department, (xx) the Executive Director of Veterans' Activities, Manhattan, and the Executive Director of Veterans' Activities, Brooklyn, New York City Veterans' Service Centers, (xxi) the Chief of Personnel, New York City Housing Authority, and (xxii) the Senior Civil Service Investigator, State Civil Service Commission.

* * * * *

(48) *State of Virginia.* The officials of the State of Virginia authorized to obtain such information are (i) the Adjutant General, (ii) the Assistant Adjutant General, (iii) a Commissioner, Unemployment Compensation Commission, (iv) the Superintendent of the Division of Inspection, Alcoholic Beverage Control Board, (v) the Superintendent of Public Instruction, Department of Education, (vi) the Chief, Bureau of Investigation and Records, Virginia State Police, and (vii) the Director, World War II History Division, Virginia State Library.

(Secs. 6, 7, 61 Stat. 32, sec. 10 (a) (4), Pub. Law 759, 80th Cong.; 50 U. S. C. App., Sup., 326, 327)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
Director of Selective Service.

APRIL 29, 1949.

[F. R. Doc. 49-3553; Filed, May 4, 1949; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 52—RURAL DELIVERY

PATRONS' BOXES

In § 52.80 *Manufacture and sale of boxes* (13 F. R. 8959) amend paragraph (c) to read as follows:

(c) *Concerns authorized to manufacture and sell mail boxes for use on rural routes.* The following list shows the manufacturers of mail boxes whose samples have been approved.

Akron Metal Sales Co., 1035 Sweitzer Avenue, Akron 11, Ohio.

American Sheet Metal Works, Post Office Box 547, New Orleans 1, La.

Cincinnati Pump & Manufacturing Co., 117 East Liberty Street, Cincinnati 10, Ohio.

Dayton Plastic & Metal Stampings, 321 North Western Avenue, Post Office Box 852, Dayton 7, Ohio.

The Deshler Mail Box Co., 101 East Maple Street, Deshler, Ohio.

Diamond Metal Products Corp., Morewood and Johnson Avenues, Blairsville, Pa.

Inland Steel Products Co., Post Office Box 393, Milwaukee 1, Wis.

Montgomery Ward & Co., 619 West Chicago Avenue, Chicago 10, Ill.

Northwest Metal Products, Inc., 55 Spokane Street, Seattle 4, Wash.

Northwestern Mail Box Co., 2655-2723 Spruce Street, St. Louis 3, Mo.

Reed Engineering & Manufacturing Co., Thirteenth and John Streets, Newport, Ky.

Reynolds Metals Co., 2000 South Ninth Street, Louisville 1, Ky.

Rex Tool & Die Co., 430 Island Avenue, McKees Rocks, Pa.

Superior Sheet Metal Works Co., 3201-3-5-7-9 Roosevelt Avenue, Indianapolis 1, Ind.

United States Steel Products Co., Boyle Manufacturing Division, 5100 Santa Fe Avenue, Los Angeles 11, Calif.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 49-3546; Filed, May 4, 1949; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

YUGOSLAVIA

In § 127.380 *Yugoslavia* (13 F. R. 9237) amend subparagraph (7) (iii) of paragraph (a) to read as follows:

(7) *Observations.* * * *

(iii) Books, newspapers, and other printed matter for distribution in Yugoslavia are admitted when addressed to distributors authorized by the Yugoslav Ministry of Internal Affairs. Small individual shipments are exempt from that requirement.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 49-3545; Filed, May 4, 1949; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

CHINA

In § 127.231 *China (including Taiwan (Formosa) and the leased territory of Kwangchowwan (Fort Bayard))* (13 F. R. 9130) make the following changes:

1. Amend subparagraph (2) of paragraph (a) to read as follows:

(2) *Registration.* Fee, 25 cents. There is no provision for the registration of articles addressed to Manchuria (including the Provinces of Antung, Heilungkiang, Hokiang, Hsingan, Kirin, Liaoning, Liaopeh, Nunkiang, and Sungkiang), to the Provinces of Hopeh, Shantung (except the city of Tsingtao), Honan, Shansi, Jehol, Chahar, or Suiyuan, or to places in Anhwei and Kiangsu Provinces north of the Yangtze River. (*See §§127.15 and 127.101.*)

2. Amend paragraph (a) by deleting subdivision (iv) of subparagraph (6).

3. Amend the note to subparagraph (1) (ii) of paragraph (b) to read as follows:

NOTE: There is no parcel post service to Mongolia. Parcel post service is suspended to Manchuria (including the Provinces of Antung, Heilungkiang, Hokiang, Hsingan, Kirin, Liaoning, Liaopeh, Nunkiang, and Sungkiang), to the Provinces of Hopeh, Shantung (except the city of Tsingtao), Honan, Shansi, Jehol, Chahar, and Suiyuan, and to the places in Anhwei and Kiangsu Provinces north of the Yangtze River. The service is also suspended to certain places in Kwangtung Province, as shown in subparagraph (5) (i) of this paragraph.

4. Amend the footnote to subparagraph (1) (ii) of paragraph (b) to read as follows:

[1] Parcels exceeding 22 pounds accepted for the cities of Canton (Kwangtung), Shanghai (Kiangsu), and Swatow (Kwangtung), only.

5. Amend subdivision (i) of subparagraph (5) of paragraph (b) to read as follows:

(5) *Observations.* (i) The parcel post service is suspended to the following offices in Kwangtung Province:

Hoihong.	Onpo.
Limkong.	Paklai.
Lingshui.	Shekkok (Limkong).
Lungchun.	Suikai.
Lungmoon.	Yulin (Kwangtung).
Manning.	

6. Subdivision (ii) of subparagraph (5) of paragraph (b) is hereby deleted, and subdivisions (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), and (xi), of said subparagraph (5), are hereby redesignated as subdivisions (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (x), respectively.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 49-3547; Filed, May 4, 1949; 8:46 a. m.]

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE, AND INSTRUCTIONS FOR MAILING

UNION OF SOUTH AFRICA

In § 127.372 *Union of South Africa* (13 F. R. 9229) amend paragraph (a) (8) *Prohibitions* to read as follows:

(a) *Regular mails.* * * *

(8) *Prohibitions.* The articles prohibited or restricted as parcel post are also prohibited or restricted in the regular mails, except that diamonds and other precious stones and coins are admitted in the registered letter mails.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] V. C. BURKE,
Acting Postmaster General.

[F. R. Doc. 49-3548; Filed, May 4, 1949; 8:47 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 21—COMMISSIONED OFFICERS

SUBPART Q—FOREIGN SERVICE ALLOWANCES

Effective May 1, 1949, Appendix A (14 F. R. 1439) is revised to read as follows:

FOREIGN SERVICE ALLOWANCE RATES

OFFICERS

Class I

Station		Total	Travel
Subsistence	Quarters		
None	None	None	$7.00

NOTE: The above allowances are applicable to all countries and places outside the continental United States not otherwise listed hereon.

Class II

$2.55	$2.50	$5.05	$8.00

Czechoslovakia.
Colombia (except Bogota).
Island of Cyprus.
Aquadulce, Panama.
Luxemburg.

Class III

$2.55	$3.75	$6.30	$9.00

China (including Hong Kong).
Hungary.

Class IV

$3.00	$0.75	$3.75	$7.00

Bolivia.
Brazil (except Rio de Janeiro, Sao Paulo and Recife).
Chile (except Punta Arenas).
Costa Rico.
Cuba (except Havana).
El Salvador.
Equador.
Guatemala.
Honduras
Korea.
Morocco.
Nicaragua.
Paraguay.
Peru.
Surinam.

Class V

$3.00	$1.00	$4.00	$7.00

Afghanistan.
Algeria.
Bermuda.
Denmark.
Ethiopia.
Finland.
Irish Free State.
Italy (except Rome and Naples).
Liberia (except Monrovia).
Netherlands.
Norway.
Recife, Brazil.
Spain.
Trieste (free city of).
Tunisia.
Union of South Africa.
Uruguay.

Class VI

$3.75	$0.75	$4.50	$7.25

Burma (except Rangoon).

FOREIGN SERVICE ALLOWANCE RATES—Continued

OFFICERS—continued

Class VII

Station		Total	Travel
Subsistence	Quarters		
$3.75	$1.00	$4.75	$8.00

Great Britain and Northern Ireland (except London).
Mexico.
Portugal.

Class VIII

$3.75	$1.50	$5.25	$8.00

Ceylon.
Dominican Republic.
Egypt (except Cairo).
French Indo-China.
Siam

Class IX

$3.75	$2.00	$5.75	$9.00

Alaska.
Belgium.
Bogota, Columbia
Bulgaria.
Sweden

Class X

$3.75	$3.00	$6.75	$10.00

Cairo, Egypt.
London.
Philippine Islands.
Switzerland.

Class XI

$3.75	$4.00	$7.75	$11.00

Netherlands, East Indies.
Turkey.

Class XII

$4.50	$1.50	$6.00	$9.00

India.
Pakistan (except Karachi).
Syria.

Class XIII

$5.25	$1.75	$7.00	$10.00

Iraq.
Monrovia, Liberia.
Naples, Italy.
Ras Tanura, Saudi Arabia.
Rome, Italy.

Class XIV

$6.00	$1.50	$7.50	$10.00

Havana, Cuba.
Karachi, Pakistan.
Malayan Union.
Rangoon, Burma.
Republic of Lebanon.
Singapore.

Class XV

$7.50	$3.50	$11.00	$15.00

None.

Class XVI

$6.00	$3.00	$9.00	$12.00

Iceland.
Yugoslavia.
Rumania.

Class XVII

None	$1.75	$1.75	$7.00

Australia.
New Zealand.

Class XVIII

$3.00	None	$3.00	$7.00

France (except Paris and Orly Field).
Saudi Arabia (except Ras Tanura).

FOREIGN SERVICE ALLOWANCE RATES—Continued

OFFICERS—continued

Class XIX

Station		Total	Travel
Subsistence	Quarters		
$4.50	$0.50	$5.00	$10.00

Paris and Orly Field, France.

Class XX

$3.75	$2.00	$5.75	$10.00

None.

Special classification

$7.00	$6.00	$13.00	$15.00

Palestine. Transjordan.
State of Israel

NOTE: Effective as of June 1, 1948. Maximum travel allowance is payable without regard to length of time as long as in a travel status. (See § 21.356 (f)).

$9.00	$5.00	$14.00	$18.00

Union of Soviet Socialist Republics.

$4.50	$2.50	$7.00	$7.00

Canton Island. Wake Island.

$8.25	$3.75	$12.00	$12.00

Greece (personnel not in receipt of diplomatic exchange rate).

NOTE: Greece (Personnel in receipt of diplomatic exchange rate, allowances prescribed in Class I applicable).

$5.25	$3.75	$9.00	$9.00

Punta Arenas, Chile.

$6.75	$3.25	$10.00	$11.00

Poland (personnel not in receipt of diplomatic exchange rate).

NOTE: Poland (personnel in receipt of diplomatic exchange rate, allowances prescribed in Class I applicable).

FOREIGN SERVICE ALLOWANCE RATES—Continued

OFFICERS—continued

Special classification—Continued

Station		Total	Travel
Subsistence	Quarters		
$3.75	$3.25	$7.00	$7.00

Bahrein Island, Persian Gulf.

$3.75	$4.75	$8.50	$8.50

Argentina. Sao Paulo, Brazil.
Rio de Janeiro, Brazil.

$6.75	$5.25	$12.00	$15.00

Venezuela.

Dated: April 20, 1949.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: April 29, 1949.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 49-3559; Filed, May 4, 1949; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[Docket No. 3666]

PARTS 71-77—TRANSPORTATION OF EXPLOSIVES

MISCELLANEOUS AMENDMENTS

Correction

In Federal Register Document 49-2254, published at page 1349 of the issue for Friday, March 25, 1949, the formula under paragraph (a) of § 73a.9-9 (appearing in the middle column on page 1355) should read:

$$S=\frac{600\ (1.3\ D^2+0.4\ d^2)}{D^2-d^2}$$

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[9 CFR, Part 201]

FILING OF TARIFF SCHEDULES UNDER THE PACKERS AND STOCKYARDS ACT

NOTICE OF PROPOSED RULE MAKING

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), the Secretary of Agriculture proposed to issue a rule amending §§ 201.19 and 201.22 of the regulations issued under the Packers and Stockyards Act (9 CFR, Part 201) to read as follows:

§ 201.19 *Size, style, and number of copies.* Schedules of rates and charges and amendments thereto of stockyard owners, market agencies, and licenses shall be printed or typed on paper which is approximately 8 by 11 inches in size, the lines of print or type being horizontal to the 8-inch dimension. Three copies of each such schedule or amendment shall be filed as provided in § 201.22 and at least one copy shall be signed by the market agency, stockyard owner, or licensee filing the same.

§ 201.22 *Time and place schedules, rules or regulations, and amendments to be filed and posted by stockyard owners, market agencies, and licensees.* All schedules and rules or regulations and amendments or supplements thereto required to be filed under this act by market agencies and stockyard owners shall be kept at their places of business and kept open for public inspection at their places of business. Licensees shall post schedules of rates, charges, and rentals in a conspicuous location in their places of business where they may be readily observed by any interested person. Unless the requirement as to filing and notice is specifically waived, as provided for in section 306 (c) of the act, all amendments to schedules or rules or regulations changing a rate or charge shall be filed with the Packers and Stockyards Division, Livestock Branch, Production and Marketing Administration at Washington, D. C., not less than ten (10) days before the effective date thereof: *Provided, however,* That in the case of a tariff supplement which relates only to changes in feed charges, determined on a cost plus a specified margin basis as provided for in the basic tariff schedule of the stockyard involved, such a tariff supplement shall be filed with supporting data disclosing the average cost of the feed on hand, with the District Office of the Packers and Stockyards Division of the Livestock Branch, Production and Marketing Administration, for the district in which the stockyard filing the supplement is located, and such supplement shall become effective two (2) days thereafter.

The purpose of the amendment of § 201.22 is to permit feed tariff supplements which, according to the basic tariff schedule, are based on cost of the feed plus a specified margin, to be made effective promptly after the average cost of the feed on hand requires a change in the specified feed charge. The amendment will shorten the interval between the time that the average cost of feed on hand changes and the time that such changes are reflected in published tariffs. The purpose of the amendment of § 201.19 is to make its provisions consistent with § 201.22 amended as proposed.

Any interested person who desires to do so may submit, within fifteen (15) days after the publication of this notice, any data, views, or arguments, in writing, on the proposed rule to the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 29th day of April 1949.

[SEAL] F. W. IMMASCHE,
Acting Director, Livestock Branch, Production and Marketing Administration.

[F. R. Doc. 49-3557; Filed, May 4, 1949; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 52209]

DESIGNATION OF OFFICERS

Order of the Commissioner of Customs designating officers of the Bureau of Customs to perform functions under the navigation laws transferred to the Commissioner of Customs by Reorganization Plan No. 3 of 1946.

Pursuant to the authority conferred upon the Commissioner of Customs by section 103 of Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp., ch. IV), the functions under the navigation laws transferred to the Commissioner of Customs by section 102 of said Reorganization Plan shall be performed by the officers described in the following paragraphs, subject to the exceptions and conditions noted therein:

(a) The Assistant Deputy Commissioner of Customs in charge of Marine Administration is hereby designated as the officer of the Bureau of Customs who may, except as otherwise provided for in this order, perform the functions transferred to the Commissioner of Customs by section 102 of Reorganization Plan No. 3 of 1946, subject to the following exceptions and conditions:

(1) Whenever in the opinion of the Assistant Deputy Commissioner of Customs in charge of Marine Administration any question pending for decision is of exceptional importance, he shall submit the question to the Commissioner of Customs, and the decision shall be made by the Commissioner of Customs.

(2) No regulations shall be prescribed or requirements of regulations waived by the Assistant Deputy Commissioner of Customs in charge of Marine Administration.

(3) No fine, penalty, or forfeiture shall be remitted or mitigated by the Assistant Deputy Commissioner of Customs in charge of Marine Administration.

(b) The Deputy Commissioner of Customs in charge of Tariff and Marine Administration is hereby designated as the officer of the Bureau of Customs who may perform the function, transferred to the Commissioner of Customs by section 102 of Reorganization Plan No. 3 of 1946, of remitting or mitigating fines, penalties, and forfeitures, not exceeding $2,000 in the aggregate in any one case.

(c) The collector of customs concerned is hereby designated as the officer of the Bureau of Customs who may perform the function, transferred to the Commissioner of Customs by section 102 of Reorganization Plan No. 3 of 1946, of remitting or mitigating fines or other pecuniary penalties, aggregating less than $100 in respect of any one offense, on such terms and conditions as, under the law and in view of the circumstances, he shall deem appropriate.

(d) The collector of customs, assistant collector, and deputy collector in charge of marine work for the port at which a temporary document is to be issued to a vessel or for the home port of a vessel fixed and determined by its owner are hereby designated as the officers of the Bureau of Customs who may perform the function, transferred to the Commissioner of Customs by section 102 of Reorganization Plan No. 3 of 1946, of approving owners' designations of home ports for vessels pursuant to section 1 of the Act of February 16, 1925 (46 U. S. C. 18), subject to the following conditions:

(1) The port designated is the port at or nearest the place in the same customs collection district where the vessel business of the owner is conducted;

(2) The vessel has been previously documented and has not been since owned in whole or in part by a person not a citizen of the United States nor placed under foreign registry or flag;

(3) Recordable instruments covering each sale, gift, or conveyance (including a conveyance in trust), if any, since the date of acquisition of title by the last owner of record are presented with the designation, or the production of one or more of those instruments is waived as provided for in paragraph (e) of this section; and

(4) Orders of referees in bankruptcy appointing trustees in bankruptcy or court orders having the effect of transferring title covering each transfer by operation of law, if any, since the date of acquisition of title by the last owner of record are presented with the designation.

In all other cases the collector of customs, assistant collector, or deputy collector shall submit the designation to the Commissioner of Customs and the decision shall be made by the Assistant Deputy Commissioner of Customs in charge of Marine Administration under the authority contained in paragraph (a) of this order.

(e) The collector and assistant collector of customs for the port at which a temporary document is to be issued to a vessel or for the home port of a vessel fixed and determined by its owner are hereby designated as the officers of the Bureau of Customs who may perform the function, transferred to the Commissioner of Customs by section 102 of Reorganization Plan No. 3 of 1946, of waiving the requirements for the production of a recordable instrument in the nature of a bill of sale covering any sale, gift, or conveyance (including a conveyance in trust) of such vessel since the date of acquisition of title by its last owner of record, subject to the following conditions:

(1) The vessel has been previously documented and has not been since owned in whole or in part by a person not a citizen of the United States, nor placed under foreign registry or flag;

(2) The collector or assistant collector is satisfied that it is impracticable to furnish such instrument; and

(3) The owner produces an abstract of the title records of the United States Coast Guard covering any period in which the vessel has been numbered under the act of June 7, 1918, as amended (46 U. S. C. 288), or, if not so numbered, other evidence sufficient to satisfy the customs officer concerned that the owner has legal title to the vessel.

(f) The collector of customs, assistant collector, and deputy collector in charge of marine work at the home port of a vessel are hereby designated as the officers of the Bureau of Customs who may perform the function, transferred to the Commissioner of Customs by section 102 of Reorganization Plan No. 3 of 1946, of authorizing the endorsement of the names of alternate masters on documents of vessels pursuant to section 4335 of the Revised Statutes of 1873, as amended by the act of May 31, 1939 (46 U. S. C. 276).

(g) The collector and assistant collector of customs concerned are hereby designated as the officers of the Bureau of Customs who may, subject to the limitations hereinafter prescribed, perform the function, transferred to the Commissioner of Customs by section 102 of Reorganization Plan No. 3 of 1946, of authorizing the entry or clearance of any vessel to be made at a place in their district other than a port of entry pursuant to section 447 of the Tariff Act of 1930. Such authorization shall be granted by the collector or assistant collector only upon the conditions that the collector shall be notified in advance of the arrival of the vessel concerned; that the vessel will be under such customs supervision as he may deem to be necessary; that compliance will be had with all applicable customs and navigation laws and regulations; and that the salary and expenses of the customs officers for such time as is required to be devoted to entry and clearance work, together with any expense incurred by such officers for services rendered in connection with the entry or delivery of merchandise, shall be reimbursed to the Government under the provisions of § 1.2 (c) of the Customs Regulations of 1943 (19 CFR, Cum. Supp., 1.2 (c)).

(h) The collector and assistant collector of customs of any district in which the home port of a vessel of the United States is located are hereby designated as the officers of the Bureau of Customs who may perform the function, transferred to the Commissioner of Customs by section 102 of Reorganization Plan No. 3 of 1946, of authorizing the change of name of such vessel pursuant to the act of February 19, 1920 (46 U. S. C. 51–53). (Reorganization Plan No. 3 of 1946; 3 CFR, 1946 Supp., ch. IV).

T. Ds. 51609 and 52063 (12 F. R. 632, 13 F. R. 6045) are hereby superseded.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

Approved: April 28, 1949.

JOHN S. GRAHAM,
Acting Secretary of the Treasury.

[F. R. Doc. 49-3562; Filed, May 4, 1949; 8:48 a. m.]

DEPARTMENT OF LABOR

Wage and Hour and Public Contracts Divisions

EMPLOYMENT OF HANDICAPPED CLIENTS BY SHELTERED WORKSHOPS

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES

Notice is hereby given that special certificates authorizing the employment of handicapped clients at hourly wage rates lower than the minimum wage rates applicable under section 6 of the Fair Labor Standards Act of 1938 and section 1 (b) of the Walsh-Healey Public Contracts Act have been issued to the sheltered workshops hereinafter mentioned, under section 14 of the Fair Labor Standards Act of 1938 (sec. 14, 52 Stat. 1068; 29 U. S. C. 214) and Part 525 of the regulations issued thereunder (29 CFR, Cum. Supp., Part 525, amended 11 F. R. 9556), and under sections 4 and 6 of the Walsh-Healey Public Contracts Act (secs. 4, 6, 49 Stat. 2038; 41 U. S. C. 38, 40) and Article 1102 of the regulations issued pursuant thereto (41 CFR, Cum. Supp., 201.1102).

The names and addresses of the sheltered workshops to which certificates were issued, wage rates, and the effective and expiration dates of the certificates are as follows:

Mississippi Society for Crippled Children and Adults, Inc., 203 Barnett-Madden Building, Jackson, Mississippi, at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 30 cents per hour, whichever is higher, and a rate of not less than 15 cents for each new client during his initial 4-week evaluation period in the workshop; certificate is effective April 15, 1949, and expires July 31, 1949.

Washington Society for the Blind, 2324 F Street NW., Washington, D. C., at a wage rate of not less than the piece rate paid non-handicapped employees engaged in the same occupation in regular commercial industry maintaining approved labor standards, or not less than 20 cents per hour, whichever is higher, and a rate of not less than 20 cents for each new client during his initial 4-week evaluation period in the workshop; Certificate is effective May 1, 1949, and expires May 1, 1950.

The employment of handicapped clients in the above-mentioned sheltered workshops under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 525 of the regulations. These certificates have been issued on the applicants' representations that they are sheltered workshops as defined in the regulations and that special services are provided their handicapped clients. A sheltered workshop is defined as, "A charitable organization or institution conducted not for profit, but for the purpose of carrying out a recognized program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, and to provide such individuals with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature."

These certificates may be cancelled in the manner provided by the regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER.

Signed at Washington, D. C., this 25th day of April 1949.

RAYMOND G. GARCEAU,
Director,
Field Operations Branch.

[F. R. Doc. 49-3541; Filed, May 4, 1949; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1188]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION

MAY 2, 1949.

Notice is hereby given that on April 4, 1949, Tennessee Gas Transmission Company (Applicant), a Delaware corporation having its principal place of business at Houston, Texas, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate a sales meter station at a point on its main transmission line near Holly Springs, Mississippi, for the sale of natural gas thereto, for distribution in the City and environs.

Applicant states the population of the area to be served is estimated at 3100; that ultimate maximum and minimum demands will be 600 Mcf and 50 Mcf, respectively, with annual requirements of approximately 75,000 Mcf; that a delivery capacity heretofore authorized in the matter of Tennessee Gas Transmission Company, Docket No. G-808, included 25,000 Mcf daily for general distribution in Kentucky, Tennessee and Mississippi, with an additional daily deliverability of 25,000 Mcf over and above authorized capacity due to flexibility in engineering design provides sufficient capacity for the sale of gas to Holly Springs without need of additional transmission facilities; and that Holly Springs is without gas service at the present time.

Applicant further states rates to be charged are contained in its Rate Schedule G-3, and are based on a demand charge of $1.85 per month per Mcf and a commodity charge of 9.2¢ per Mcf; estimated cost of operation of meter facilities (exclusive of depreciation) is $2000 annually, and annual revenues will be approximately $20,000.

The estimated over-all capital cost of the proposed facilities is $3,000, which will be financed from cash on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of § 1.37 of the Commission's rules of practice and procedure and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Tennessee Gas Transmission Company is on file with the Commission, and is open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of § 1.8 or § 1.10 whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947).

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 49-3558; Filed, May 4, 1949; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

LAWRENCE R. LEEBY & CO.

ORDER REMOVING CONDITIONS

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of April A. D. 1949.

In the matter of Lawrence R. Leeby, doing business as Lawrence R. Leeby & Co., 305 Blount Building, Fort Lauderdale, Florida.

The Commission having by order dated October 8, 1946, permitted an application made by Lawrence R. Leeby for registration to become effective pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act"), subject to the condition that he act as a broker in all dealings with members of the public in over-the-counter transactions, and that he effect transactions as dealer only in investment company shares;

Lawrence R. Leeby having on October 18, 1948, filed an application under section 15 (b) of the act requesting that the conditions imposed by said order of October 8, 1946, be removed;

Proceedings having been instituted to determine whether it is in the public interest to deny the aforesaid application of October 18, 1948, a hearing having been held after appropriate notice, and the Commission having this day issued its findings and opinion herein, on the basis thereof;

It is ordered, That the aforesaid application of October 18, 1948, be and it hereby is granted, that Lawrence R. Leeby be and he hereby is permitted to effect transactions as dealer in the over-the-counter market, and that any conditions inconsistent with the foregoing imposed by the aforesaid order of October 8, 1946, be and they hereby are removed.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-3549; Filed, May 4, 1949; 8:47 a. m.]

[File No. 1-199]

MONROE CHEMICAL CO.

NOTICE OF APPLICATION TO WITHDRAW SECURITIES FROM REGISTRATION ON AN EXCHANGE, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 29th day of April A. D. 1949.

The Monroe Chemical Company, a Maryland corporation having its principal offices and place of business at Quincy, Illinois, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to the Commission to withdraw its $3.50 Cumulative Preference Stock, No Par Value, and its Common Stock, No Par Value, from registration and listing on the Chicago Stock Exchange.

The application, among others, contains the following allegations:

(1) Both the preferred and common stock of Monroe Chemical Company have been listed on the Chicago Stock Exchange since 1929.

(2) On March 1, 1949, this company had outstanding 15,532 shares of its preferred stock and 84,825 shares of its common stock. On that date the officers and directors of the company owned 64,089, or approximately 75%, of the outstanding shares of common stock. The 20,736 common shares publicly held were owned by 419 different persons. The 15,002 shares of preferred stock publicly held on March 1, 1949 were owned by 318 different persons.

(3) 2,250 shares of common stock and 400 shares of preferred stock of Monroe Chemical Company were traded on the Chicago Stock Exchange during the year 1947.

(4) 1,710 shares of common stock and 400 shares of preferred stock of Monroe Chemical Company were traded on the Chicago Stock Exchange during the year 1948.

(5) 908 shares of common stock and 1,072 shares of preferred stock of Monroe Chemical Company were traded in the over-the-counter market during the year 1947.

(6) 529 shares of common stock and 524 shares of preferred stock of Monroe Chemical Company were traded in the over-the-counter market during the year 1948.

(7) The officers and directors of this company are of the opinion that the purchase and sale of its preferred and common stocks may be adequately handled in the over-the-counter market.

(8) The Chicago Stock Exchange has waived requirement of section 3 of Article XIV of the rules of the Chicago Stock Exchange that would have required as a condition precedent to the withdrawal of these securities from registration and listing on the Stock Exchange, the approval of the holders of the securities.

It is ordered, That this matter be set down for a hearing at 11:00 a. m. on Wednesday, July 13, 1949, at the Chicago Regional Office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Richard Townsend, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-3551; Filed, May 4, 1949; 8:47 a. m.]

[File No. 70-1945]

COLUMBIA GAS SYSTEM, INC.

ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 28th day of April 1949.

The Commission by Order dated October 5, 1948 having granted an application and permitted a declaration to become effective with respect to the issue and sale by The Columbia Gas System, Inc. ("Columbia"), a registered holding company, to its common stockholders at the price of $10 per share, of an additional 1,223,000 shares of common stock, and said Order having reserved jurisdiction with respect to the reasonableness of the fees and expenses to be paid by Columbia in connection with the proposed transaction, excepting, however, the payment of 25¢ per share to participating dealers for subscriptions for new common stock solicited, which payment was permitted; and

Statements with respect to the fees and expenses incurred by Columbia having been filed, such statements setting forth the said fees and expenses as follows:

Filing fee	$1,614.36
Printing of registration statement, prospectus, and other documents and papers	36,378.88
Printing of subscription warrants	5,789.54
Legal fees and expenses (Cravath, Swaine & Moore, counsel for Columbia)	21,200.36
Accountants' fees	3,500.00
Charges of Columbia Engineering Corp. (a subsidiary service company) for cost of services rendered in connection with the preparation of the registration statement, the declaration to the Commission on Form U-1, and other documents and papers	2,626.14
Original issue tax	22,543.77
Listing new common stock on New York and Pittsburgh Stock Exchanges	7,225.00
Fees of transfer agent and registrar in connection with issuance of new common stock certificates	23,613.40
Fees and expenses of agents for issuance and transfer of subscription warrants, determination of fees to be paid to participating dealers, allocation, if necessary, of additional subscriptions and other services	$175,208.69
The First Boston Corp., financial adviser to Columbia	35,000.00
Out-of-pocket expenses of The First Boston Corp. as dealer manager	5,000.00
Fees to participating dealers	179,229.00
Miscellaneous expenses	3,746.88
Total fees and expenses	526,514.82

The Commission having considered such fees and expenses and deeming them to be not unreasonable and that jurisdiction with respect thereto should be released:

It is ordered, That the jurisdiction heretofore reserved with respect to the said fees and expenses incurred by Columbia in connection with the sale of its additional common stock be, and hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 49-3552; Filed, May 4, 1949; 8:47 a. m.]

STROUSE, THOMAS AND WHELAN, INC., AND ALGIA F. STROUSE

MEMORANDUM OPINION AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange commission, held at its office in the City of Washington, D. C., on the 29th day of April A. D. 1949.

In the matter of Strouse, Thomas and Whelan, Inc., Room 6, City Loan Building, 104 Market Avenue, North Canton 2, Ohio, and Algia F. Strouse, Room 6, City Loan Building, 104 Market Avenue, North Canton 2, Ohio.

Broker-dealer registration; grounds for revocation; violations of Securities Act and Securities Exchange Act: Misrepresentations and omissions, false representation of intention to execute transactions, unlawful hypothecation, failure to confirm transactions with customers, failure to keep books and records, failure to file annual financial statement, false annual financial statement; where registered dealer (1) falsely represented that it was solvent; (2) obtained money from a customer in connection with the sale of securities and instead of executing the transaction promptly, as had been represented, applied customer's money to its own use; (3) pledged securities of customers not indebted to it and applied proceeds to its own use; (4) failed to furnish customers with written notification adequately disclosing the capacity in which it was acting; (5) hypothecated securities of customers under circumstances permitting their improper commingling with other securities and subjected them to an excessive lien; (6) failed to keep current required books and records and to file required annual financial statement, and filed false financial statement; held, dealer wilfully vio-

lated section 17 (a) of the Securities Act of 1933, sections 10 (b), 15 (c) (1), 15 (c) (2) and 17 (a) of the Securities Exchange Act of 1934 and rules thereunder, and further held, in the public interest to revoke dealer's registration.

This is a proceeding pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the Exchange Act") to determine whether the registration as a dealer of Strouse, Thomas and Whelan, Inc. ("registrant"), an Ohio corporation, should be revoked, and whether, for purposes of future proceedings under the act, Algia F. Strouse, president, a director, and the controlling stockholder of registrant, willfully violated certain provisions of the Securities Act of 1933 ("the Securities Act") and of the Exchange Act and certain rules adopted thereunder.

Registrant and Strouse submitted an "Answer and Consent to Revocation" in which they acknowledged receipt and service of adequate notice of this proceeding, waived opportunity for hearing, and admitted the existence of the facts and cause of action set forth in the order for proceeding. In addition, registrant consented to the entry of an order revoking its registration as a dealer, and Strouse admitted his responsibility for any such order. On the basis of the record we make the following findings:

During the period from approximately July 1, 1945, to February 3, 1949, registrant and Strouse induced certain persons to buy securities from or through registrant and to sell securities to or through registrant. And, in connection with such purchases and sales, registrant and Strouse accepted securities and monies from these persons on the representation that registrant, as a dealer engaged in the securities business, was solvent and ready and able to discharge its liabilities to these persons, when, in fact, registrant and Strouse knew, but did not disclose to these persons, that registrant's liabilities exceeded its assets and that it was unable to meet its current liabilities in the ordinary course of business.

During the aforementioned period, registrant and Strouse induced a customer to purchase securities from registrant and accepted payment for the securities on the representation that they would be delivered to the customer promptly in accordance with the customs of the trade. In fact, registrant and Strouse intended not to and did not deliver the securities promptly and have never delivered them. Registrant did not either credit the payment made by the customer to the customer's account or allocate the securities, once purchased, to the account, but sold them for its own account and applied the proceeds for the benefit of registrant and Strouse. When the customer thereafter instructed registrant and Strouse to sell these securities so that she might make use of the proceeds, they advised her against such sale and persuaded her to accept a loan from registrant in the amount of $8,500 and collateralize it with additional securities of the same issue. In accordance with this arrangement the customer delivered to registrant a note for $8,500 and such additional securities as collateral. Thereafter registrant and Strouse, without the knowledge and consent of the customer, sold the collateral securities, applied the proceeds to the use of the registrant, and issued checks to the customer in the amount of the loan. Although the customer later repaid the loan with interest, she never received delivery of the securities originally purchased, or those which she had delivered as collateral for the loan.

During the same period, registrant and Strouse accepted from customers full payment for the purchase of certain securities. Thereafter, at a time when registrant had no lien against these customers' securities, Strouse pledged them to secure bank loans, and applied the proceeds from the loans to registrant's use and benefit, without the customers' knowledge and consent. The securities were never delivered.

Accordingly, we find that in the foregoing transactions registrant and Strouse willfully violated section 17 (a) of the Securities Act, sections 10 (b) and 15 (c) (1) of the Exchange Act and Rules X-10B-5 and X-15C1-2 (a) and (b) adopted thereunder.

During the period mentioned above, registrant hypothecated customers' securities under circumstances that permited these securities to be commingled (1) with securities carried for the accounts of other customers, without first obtaining the written consent of such customers to the hypothecation, and (2) with securities carried for the account of a person other than a bona fide customer under a lien for a loan made to registrant. In addition, registrant permitted securities carried for the account of customers to be hypothecated for a sum exceeding the aggregate indebtedness of all customers represented by securities carried for their accounts. We find, therefore, that registrant willfully violated section 15 (c) (2) of the Exchange Act and Rule X-15C2-1 adopted thereunder, and that Strouse aided and abetted such violation.

In effecting certain transactions with and for its customers during this period, registrant failed to furnish them with written notification adequately disclosing the capacity in which it was acting as required by Rule X-15C1-4. We find that it thereby willfully violated section 15(c)(1) of the Exchange Act and Rule X-15C1-4 adopted thereunder and that Strouse aided and abetted such violation.

Registrant and Strouse used the mails and the means and instrumentalities of interstate commerce in effecting certain of the foregoing transactions otherwise than on a national securities exchange.

Registrant failed to make and keep current certain of the books and records required by Rule X-17A-3, and we find that it thereby willfully violated section 17(a) of the Exchange Act and Rule X-17A-3 adopted thereunder.

Registrant failed to file with the Commission a report of its financial condition for the year 1948 as required by Rule X-17A-5, and a report of financial condition for the year 1947, which it did file, failed to reflect certain liabilities and was, therefore, false and misleading. We find that registrant willfully violated section 17 (a) of the Exchange Act and Rule X-17A-5 adopted thereunder.

On the basis of the foregoing we find that it is in the public interest to revoke registrant's registration as a dealer. Accordingly:

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Strouse, Thomas and Whelan, Inc. as a dealer be and it hereby is revoked.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 49-3550; Filed, May 4, 1949; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 13164]

FRED GILCHER

In re: Estate of Fred Gilcher, deceased. File No. D-28-11507; E. T. sec. 15732.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ernst Gilcher, Lena Gilcher, and Kurt Gilcher, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Fred Gilcher, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany);

3. That such property is in the process of administration by Gus Reisenauer, as Executor, acting under the judicial supervision of the Probate Court of Cook County, Illinois;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 20, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3566; Filed, May 4, 1949; 8:50 a. m.]

[Return Order 318]

AGNES KATSCHER

Having considered the claim set forth below and having issued a determination allowing the claim, which is incorporated by reference herein and filed herewith,

It is ordered, That the claimed property, described below and in the determination, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Notice of Intention To Return Published, and Property

Agnes Katscher, 60 East 55th Street, New York, N. Y., Claim No. 1311, March 12, 1949; $7,032.09 in the Treasury of the United States. An interest representing 40% of all royalties on sheet music and 35% of all royalties on mechanical rights payable by Harms, Inc., New York, N. Y., on the composition entitled "When Day Is Done" ("Madonna") under a letter agreement dated July 13, 1925 addressed by Harms, Inc., to "Mr. Fred Wreode, % Wien Boheme Verlag".

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on April 29, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3569; Filed, May 4, 1949; 8:51 a. m.]

ERNST JOHAN JENS HENRIKSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Ernst Johan Jens Henriksen, Copenhagen, Denmark; 11589; Property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent Nos. 2,160,734 and 2,175,524, including all interests and rights created in the Attorney General by virtue of a license agreement (License No. 2285-F, dated July 22, 1947) entered into by and between the Attorney General and Roldex, Inc. (now Teledex, Inc.).

Executed at Washington, D. C., on April 28, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3570; Filed, May 4, 1949; 8:51 a. m.]

MRS. LOUISE SCHMID

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Louise Schmid, Konstanz, Germany, 37358; $232.77 in the Treasury of the United States. One-half (½) of the all right, title, interest, and claim of any kind or character whatsoever of the Estate of Louise Aigner, deceased, her heirs, executors, administrators, assigns, devises and legatees, and each of them, in and to the Estate of Anna Kuhn, deceased.

Executed at Washington, D. C., on April 29, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3571; Filed, May 4, 1949; 8:51 a. m.]

[Vesting Order 13170]

ELISE S. SCHMIDT AND SAFE DEPOSIT & TRUST CO. OF BALTIMORE

In re: Trust under agreement between Elise S. Schmidt, settlor, and the Safe Deposit & Trust Company of Baltimore, as trustee, dated May 8, 1933; and amendments thereto. File No. D-28-10638-G-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Walter Petri, Mrs. Elizabeth Rosa Gaitsch, also known as Rosa Gaitsch, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That Eberhardt Ackermann, Horst Ackermann, the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Mrs. Clara Petri, deceased; of Mrs. Elizabeth Rosa Gaitsch, also known as Rosa Gaitsch; of Eberhardt Ackermann, of Horst Ackermann; and of Mrs. Marie Ackermann, deceased, sister-in-law, except Marie Ackermann Oliva, also known as Margarethe Doerfler, a resident of Austria; who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

3. That all right, title and interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, except Marie Ackermann Oliva, also known as Margarethe Doerfler, a resident of Austria, in and to the trust created under agreement, dated May 8, 1933, by Elise S. Schmidt, Settlor, and the Safe Deposit and Trust Company of Baltimore, Trustee, and amendments thereto dated November 6, 1942, and February 5, 1944, presently being administered by the Safe Deposit and Trust Company of Baltimore, Baltimore 2, Maryland, as Trustee is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and Eberhardt Ackermann, Horst Ackermann, the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Mrs. Clara Petri, deceased; of Mrs. Elizabeth Rosa Gaitsch, also known as Rosa Gaitsch; of Eberhardt Ackermann; of Horst Ackermann; and of Mrs. Marie Ackermann, deceased, sister-in-law, except Marie Ackermann Oliva, also known as Margarethe Doerfler, a resident of Austria are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 20, 1949.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 49-3567; Filed, May 4, 1949; 8:51 a. m.]